## 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

Application Number: CV17-066	Date Received: \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\
Application Accepted by:	Fee: 4040 (aid)
Assigned Planner: Kerry Priene Krorie	be @ columbus gos: 414-645-1341
LOCATION AND ZONING REQUEST:	
Certified Address (for zoning purposes): 158 N. Wheatland	Avenue, Columbus, Ohio Zip: 43204
Is this application being annexed into the City of Columbus? Select If the site is currently pending annexation, Applicant must adoption of the annexation petition.  Parcel Number for Certified Address: 010-267201 (Part of)	st show documentation of County Commissioner's
Check here if listing additional parcel numbers on a se	
Current Zoning District(s): ARLD (Pending Z17-039)	
Area Commission or Civic Association: Greater Hilltop Area Co	ommission
Proposed Use or reason for Councial Variance request:  Variances for site development standards in conjunction with	th Z17-039
Acreage: 3.499 +/- Ac	
APPLICANT: Name: The WODA Group, LLC (c/o Dave Perry)	Phone Number:614-228-1727Ext.:
David Perry Company, Inc. 411 East Town Street, 1st Floor Address:	City/State: Columbus, OH 43215 Zip:
Email Address:dave@daveperryco.net	Fax Number:
PROPERTY OWNER(S) Check here if listing additional Name: City of Columbus c/o John Turner	l property owners on a separate page Phone Number: 614-645-2551 Ext.:
Address: 50 West Gay Street, FL 4	
Email Address: imturner@columbus.gov	Fax Number: 614-645-3092
ATTORNEY / AGENT (Check one if applicable): Attorney  Name: Donald Plank (Plank Law Firm)	Agent (Attorney for Applicant) Phone Number: 614-947-8600 Ext.:
Address: 411 East Town Street, 2nd Floor	City/State: Columbus, Ohio Zip: 43215
Email Address:dplank@planklaw.com	Fax Number:
<b>SIGNATURES</b> (All signatures must be provided and signed in <b>blu</b>	ue ink)
APPLICANT SIGNATURE The World brown	The best of the
PROPERTY OWNER SIGNATURE	mmistaky
ATTORNEY AGENT SIGNATURE	- / Cenfe
My signature attests to the fact that the attached application package is concity staff review of this application is dependent upon the accuracy of the inprovided by me/my firm/etc. may delay the review of this application.	mplete and accurate to the best of my knowledge. I understand that the nformation provided and that any inaccurate or inadequate information



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#### STATEMENT OF HARDSHIP

CV17-066

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 conjuction 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 Duald Thank Date 1/-3-17
Attorney(Donald Plank, Plank Law Firm) Date
Attorney(Donald Plank, Plank Law Firm) Date(Consultant(Dave Perry, David Perry Company, Inc.) Date/

#### **Exhibit B**

#### **Statement of Hardship**

#### CV17-066, 158 N. Wheatland Avenue, Columbus, OH

The 3.5 +/- acre site is located on the east side of N. Wheatland Avenue, 1,200 +/- feet north of W. Broad Street. The site is owned by the City of Columbus and is zoned NG, Neighborhood General from a previous development proposal. Applicant proposes to rezone (Z17-039) the site to the ARLD, Apartment Residential District to permit a multi-family residential development consisting of a single 60 unit apartment building. This proposed development is similar to the 60 dwelling units approved as Phase 1 on N. Wheatland Avenue abutting this site to the north. The 60 units proposed with rezoning application Z17-039 and this variance application are phase 2 of the Wheatland Crossing development by applicant. The site plan titled "Wheatland Crossing Phase 2", dated \_\_\_\_\_, hereafter "Site Plan" is submitted with this variance application.

Applicant has a hardship warranting variances in that there is no zoning district to which the site could be rezoned without also requiring variances. Applicant has a practical difficulty with compliance to develop the property in a comprehensive, coordinated way, with the proposed standards variances. The height variance is to permit an increase in height from 35 feet to 40 feet, as measured to the mid-point of the hip/gable roof. The site is located near a major bus line for alternative transportation.

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

- 1). Section 3309.14(A), Height Districts, to permit a building height of 40 feet, in the H-35 Height District.
- 2). Section 3312.21(D), Landscaping and Screening, to not provide parking lot screening along the east and north sides of the parking lot because it is adjacent to the parking lot for Wheatland Phase I, and to reduce the height of parking lot screening from five (5) feet to three (3) feet along all of the south property line.
- 3). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 1.5 spaces per dwelling unit to 1.15 spaces per dwelling unit for 60 dwelling units, thereby reducing parking from 90 spaces to 69 spaces.

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**Department of Building & Zoning Services** Scott Messer, Director

Scott Messer, Director 757 Carolyn Avenue, Columbus, Ohio 43224 Phone: 614-645-7433 • www.bzs.columbus.gov

<b>AFFIDAVIT</b> (See instruction sheet)	Application Number: CV17-066	
STATE OF OHIO		
COUNTY OF FRANKLIN	Dava Parry (David Parry Company Inc.)	
Being first duly cautioned and sworn (1) NAME  411 Fast Town Street	Dave Perry (David Perry Company, Inc.)  1st Floor, Columbus, Ohio 43215	
and the second s		
	or duly authorized attorney for same and the following is a list of the	
name(s) and mailing address(es) of all the owners of rec		
(2) per ADDRESS CARD FOR PROPERTY 158 N		
	ermit or graphics plan was filed with the Department of Building and	
Zoning Services, on (3)	E TO BE FILLED OUT BY CITY STAFF)	
(IIII LIM	E TO BE FILLED OUT BY CITY STAFF)	
SUBJECT PROPERTY OWNERS NAME (	City of Columbus	
AND MAILING ADDRESS	c/o John Turner	
	50 West Gay Street, FL 4	
	Columbus, Ohio 43215	
A DDI ICANIDIO MANGE AND DIVOND	The WODA Group, LLC c/o Dave Perry (David Perry Company, Inc.	
APPLICANT'S NAME AND PHONE #		
(same as listed on front application)	614-228-1727	
AREA COMMISSION OR CIVIC GROUP	(5) Greater Hilltop Area Commission	
AREA COMMISSION ZONING CHAIR	c/o Daryl Hennessey	
OR CONTACT PERSON AND ADDRESS	PO Box 28052, Columbus, Ohio 43228	
and that the attached document (6) is a list of the name	es and complete mailing addresses, including zip codes, as shown on	
	inty Treasurer's Mailing List, of all the owners of record of property	
within 125 feet of the exterior boundaries of the prope	erty for which the application was filed, and all of the owners of any property	
within 125 feet of the applicant's or owner's property in	the event the applicant or the property owner owns the property contiguous to	
the subject property (7)		
Check here if listing additional property owners on a	a senarate nage	
	a sopulate page.	
(0) 07001	3/1/	
(8) SIGNATURE OF AFFIANT		
Sworn to before me and signed in my presence this	and day of November in the year 2017	
Stacy L. Sanza	11-5-2018	
(8) SIGNATURE OF NOTARY PUBLIC		
RIA/	My Commission Expires	
Notary Seal Mine		
Stacey   Danka(6) months after the date of notarization.  My Commission Expires 11-05-2018		
OF Quin		

EXHIBIT A, Public Notice 158 N. Wheatland Avenue CV17-066 November 1, 2017

#### **APPLICANT**

The WODA Group, LLC c/o David Perry
David Perry Company, Inc.
411 East Town Street, 2<sup>nd</sup> Floor
Columbus, Ohio 43215

#### **PROPERTY OWNER**

City of Columbus c/o John Turner 845 Parsons Avenue Columbus, Ohio 43206

#### ATTORNEY FOR APPLICANT

Donald Plank Plank Law Firm 411 East Town Street, 2<sup>nd</sup> Floor Columbus, Ohio 43215

#### **COMMUNITY GROUP:**

Greater Hilltop Area Commission C/o Daryl Hennessey PO Box 28052 Columbus, Ohio 43228

State of Ohio (or current occupant) 1960 West Broad Street Columbus, Ohio 43223-1206

Frank J Oestreicher, Jr. Mary E Oestreicher (*or current occupant*) 207 N Wheatland Avenue Columbus, Ohio 43204-3777

Waytorom, LLC (or current occupant) 5020 Crockett Drive Hilliard, Ohio 43026-9113

Homes on the Hill Community Development Corp. (or current occupant) 3659 Soldano Boulevard Columbus, Ohio 43228-1423

Karen S Vidnanski (*or current occupant*)
251 N Wheatland Avenue
Columbus, Ohio 43204-3777

#### **PROPERTY OWNERS WITHIN 125 FEET**

City of Columbus Ohio (or current occupant)
50 West Gay Street, FL 4
Columbus, Ohio 43215-9000

Shekinah Glory Properties, LLC (or current occupant)
PO Box 1175
Hilliard, Ohio 43026-6175

Ronda Jo Adkins (or current occupant)
225 N Wheatland Avenue
Columbus, Ohio 43204-3777

Gale E Budlong (or current occupant) 241 N Wheatland Avenue Columbus, Ohio 43204-3777

Judy K Kackley (or current occupant) 255 N Wheatland Avenue Columbus, Ohio 43204 Wheatland Crossing Limited Partnership (or current occupant) 229 Huber Village Blvd., Suite 100 Westerville, Ohio 43081-8075

Gregory L Smith Angela P Smith (or current occupant) 1136 Forest Drive Columbus, Ohio 43223-2816

Robert A Jewett (*or current occupant*) 231 N Wheatland Avenue Columbus, Ohio 43204

David Lille (*or current occupant*) 247 N Wheatland Avenue Columbus, Ohio 43204-3777

158 N. Wheatland Avenue CV17-066, November 1, 2017 Exhibit A, Public Notice Page 1 of 3

Paradise 4U Properties Ltd, LLC (or Lee Spector (or current occupant) Virginia A Black-Woods current occupant) 1400 Dublin Road Michael W Murphy (or current 7355 Lancaster Circleville Rd. SW Columbus, Ohio 43215 occupant) Lancaster, Ohio 43130-9203 269 N Wheatland Avenue Columbus, Ohio 43204 John C Farra Chad L Frost Moreales Leonor De Marcos (or Sharon A Farra (or current occupant) Terri Frost (or current occupant) current occupant) 273 N Wheatland Avenue 2385 Cherokee Drive 283 N Wheatland Avenue Columbus, Ohio 43204 London, Ohio 43140-8762 Columbus, Ohio 43204 Joseph P Sarvino Richard C Bartholomew Jr James C Osborn (or current occupant) Mary Jo Sarvino (or current occupant) Rebecça J Bartholomew 2317 Glenview Boulevard 2522 Regina Avenue (or current occupant) Columbus, Ohio 43204-3753 Columbus, Ohio 43204-2860 2308 Glenview Boulevard Columbus, Ohio 43204 Christopher R Baker Allie Jeffrey (*or current occupant*) Christopher V Flores (or current Rachel E Upton (or current occupant) 181 N Wheatland Avenue occupant) PO Box 44142 Columbus, Ohio 43204-3794 592 E Como Avenue Columbus, Ohio 43204-0946 Columbus, Ohio 43202-1322 Central Ohio Community Tri-Medical Transportation Services, Lorraine C Pastore (or current Improvement Corp. (or current LLC (or current occupant) occupant) occupant) 1661 Geranium Drive 199 N Wheatland Avenue 373 S High Street, 15th Floor Lewis Center, Ohio 43035-7183 Columbus, Ohio 43204-3794 Columbus, Ohio 43215-6318 Daniel F Hoy Eugenie M Klingler (or current Lee W Hennick (or current occupant) Joan C Hoy (or current occupant) occupant) 2539 Regina Avenue 203 N Wheatland Avenue 105 N Wheatland Avenue Columbus, Ohio 43204-2861 Columbus, Ohio 43204 Columbus, Ohio 43204-3775 Christopher L Tope Thomas J Mullen Irwin Estates LLC (or current occupant) Cathleen Tope (or current occupant) Yvonne E Mullen (or current 1570 N Hague Avenue 115 N Wheatland Avenue occupant) Columbus, Ohio 43204-1604 Columbus, Ohio 43204-3775 138 Center Street Chardon, Ohio 44024-1120 Lee W Hennick (or current occupant) Lisa A Orsini-Trapasso (or current Eli Salinas 2539 Regina Avenue occupant) Myriam Salinas (or current occupant) 6874 Big Walnut Road

Columbus, Ohio 43204

Ana Rubiel Salinas (or current occupant) 147 N Wheatland Avenue Columbus, Ohio 43204-3776

Mihai Jipa Daniela Jipa (or current occupant) 2666 Sandover Road Columbus, Ohio 43220-2870

Bruce D Cutlip, Tr Edna Cutlip Tr (or current occupant) 151 N Wheatland Avenue Columbus, Ohio 43204-3776

Galena, Ohio 43021-9327

Property Privacy Services Tr (or current occupant) 1050 Perry Street Columbus, Ohio 43201-3340

145 N Wheatland Avenue

Alberta E Stuckey (or current occupant) 155 N Wheatland Avenue Columbus, Ohio 43204-3776

Columbus, Ohio 43204-3776

158 N. Wheatland Avenue CV17-066, November 1, 2017 **Exhibit A, Public Notice** Page 2 of 3

Vicki Lopes (or current occupant) 67 N Wheatland Avenue Columbus, Ohio 43204 Lee Hennick (*or current occupant*) 2539 Regina Avenue Columbus, Ohio 43204 Wake Up America (or current occupant)
PO Box 10072
Columbus, Ohio 43201-0571

Rodney Lee Hall, II (or current occupant) 11342 Gore Greendale Road Logan, Ohio 43138-9189 David C Martin (*or current occupant*) 8215 M V High Road Plain City, Ohio 43064-8819

#### **ALSO NOTIFY**

The WODA Group, LLC c/o Joseph McCabe
229 Huber Village Blvd., Suite 100
Westerville, Ohio 43081

158 N. Wheatland Avenue CV17-066, November 1, 2017 Exhibit A, Public Notice Page 3 of 3

## THE CITY OF COLUMBUS

DEPARTMENT OF BUILDING AND 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 #CV17-066	
STATE OF OHIO COUNTY OF FRANKLIN	,	
Being first duly cautioned and sworn (NAME)  Of (COMPLETE ADDRESS)  411 East Town Street, 2nd Florida.	(Plank Law Firm)or, Columbus, Ohio 43215	
deposes and states that (he) she) is the APPLICANT, AGENT, OR	DULY AUTHORIZED ATTORNEY FOR SAME and the following shaving a 5% or more interest in the project which is the subject of	
	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. City of Columbus 50 West Gay Street, FL 4 Columbus, Ohio 43215 # of Columbus based employees: 10,000+/- Contact: John Turner 614-645-2551	2. The Woda Group, LLC 229 Huber Village Boulevard, Suite 100 Westerville, Ohio 43081 # of Columbus based employees: 0 Contact: Joseph McCabe 614-396-3200	
3.	4.	
Check here if listing additional property owners on a separate page.  SIGNATURE OF AFFIANT   Malle Manuel  SIGNATURE OF AFFIANT		
Sworn to before me and signed in my presence thisday	of November, in the year 2017	
SIGNATURE OF WHATE PUBLIC	My Commission Expires  Notary Seal Here	
SIGNATURE OF ART PUBLIC  Stacey L. Danza  Notary Public, State of Ohio  My Commission Expires 11-05-2018		

# City of Columbus Zoning Plat



### **ZONING NUMBER**

The Zoning Number Contained on This Form is Herein Certified to Obtain Zoning, Rezoning, and Variances, and is NOT to be Used for the Securing of Building & Utility Permits

Parcel ID: PORTION OF 010267201

**Zoning Number: 158** 

Street Name: N WHEATLAND AVE

Date: 10/30/2017

Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERRY COMPANY, INC. (DAVE PERRY)

Issued By: Voluma umsiam

ZONING NUMBER
158 N WHEATLAND AVE

STEELEAVE

O10267201



FRANK D. WILLIAMS, ADMINISTRATOR DIVISION OF INFRASTRUCTURE MANAGEMENT COLUMBUS, OHIO

GRACE ST

SCALE: 1 inch = 200 feet

GIS FILE NUMBER: 106051

CV17-066

#### **DESCRIPTION OF 3.499 ACRES**

Situated in the State of Ohio, County of Franklin, City of Columbus, being located in Virginia Military Survey Number 2668, and being 3.037 acres out of that original 20.098 acre tract conveyed to **City of Columbus** by a Governor's Deed of record in Instrument Number 200307020202150, all records referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

Commencing for reference at a ¾ inch iron pipe found at the intersection of the west right-of-way line for Wheatland Avenue (40 feet wide) and the south right-of-way line for Steele Avenue (40 feet wide), both as established by the Highland Park Subdivision, of record in Plat Book 4, page 326, and being the northeast corner of Lot 42 of said Highland Park Subdivision;

Thence North 81 degrees 36 minutes 13 seconds East, along a line perpendicular to the right-of-way lines for said Wheatland Avenue, a distance of 40.00 feet to a point on the east right-of-way line for said Wheatland Avenue, being on the west line of said 20.098 acre tract;

Thence **South 08** degrees **23** minutes **47** seconds **East**, along the east right-of-way line for said Wheatland Avenue, along the west line of said 20.098 acre tract, a distance of **43.18** feet to an iron pin set at the **TRUE POINT OF BEGINNING** for this description:

Thence North 08 degrees 23 minutes 47 seconds West, along the east right-of-way line for said Wheatland Avenue, along the west line of said 20.098 acre tract, a distance of 442.24 feet to an iron pin set at the southwest corner of that 3.098 acre tract described in a deed to Wheatland Crossing Limited Partnership, of record in Instrument Number 201611070153952;

Thence crossing said original 20.098 acre tract along property line for said 3.098 acre tract along the following six (6) described courses:

- 1. North 81 degrees 36 minutes 13 seconds East, a distance of 204.65 feet to an iron pin set;
- 2. South 08 degrees 23 minutes 47 seconds East, a distance of 178.91 feet to an iron pin set;
- 3. North 81 degrees 36 minutes 13 seconds East, a distance of 120.97 feet to an iron pin set;
- 4. South 53 degrees 26 minutes 57 seconds East, a distance of 21.23 feet to an iron pin set;
- 5. South 08 degrees 23 minutes 47 seconds East, a distance of 74.38 feet to an iron pin set;
- 6. North 81 degrees 36 minutes 13 seconds East, a distance of 150.77 feet to an iron pin set at the southeast corner of said 3.098 acre tract, being on the east line of said original 20.098 acre tract, and being on the west line of the remainder of that original 300 acre tract described in a deed to State of Ohio, of record in Deed Book 101, Page 390;

Thence South 08 degrees 23 minutes 47 seconds East, along the east line of said original 20.098 acre tract, along the west line of the remainder of said original 300 acre tract, a distance of 173.95 feet to an iron pin set;

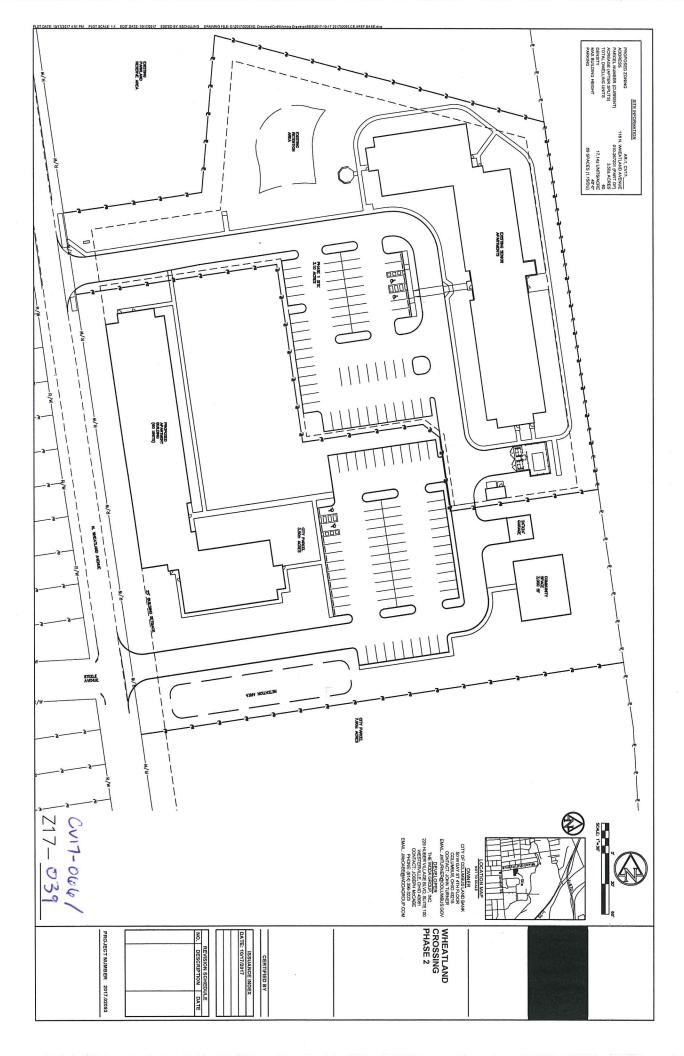
Thence **South 81 degrees 36 minutes 13 seconds West**, across said original 20.098 acre tract along a new division line, a distance of **491.42 feet** to the **TRUE POINT OF BEGINNING** for this description.

The above description contains a total area of **3.499 acres** out of Franklin County Auditor's parcel number 010-267201.

The bearings described herein are based on the bearing of North 08 degrees 23 minutes 47 seconds West for the east right-of-way line for Wheatland Avenue, which is measured from Grid North, referenced to the Ohio State Plane Coordinate System (South Zone) and the North American Datum of 1983 (2011 adjustment), as established utilizing a GPS survey and NGS OPUS solution.

Page 1 of 1

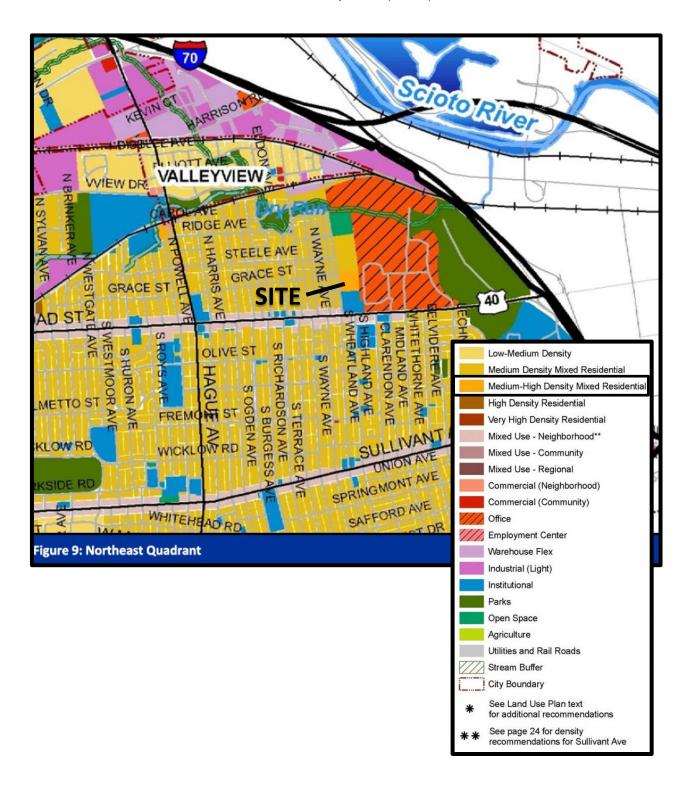






CV17-066
1), North Wheatland Avenue Approximately 3.50 acres

#### Greater Hilltop Plan (2010)



CV17-066
1), North Wheatland Avenue Approximately 3.50 acres



CV17-066 1), North Wheatland Avenue Approximately 3.50 acres