

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

OFFICE USE ONLY

Application #: CV20-033 Date Received: 4/1/20
Application Accepted by: KP Fee: \$900
Assigned Planner: Kelsey Priebe; krpriebe@columbus.gov; 614-645-1341

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: 777 Neil Avenue, Columbus Zip: 43215

Is this application being annexed into the City of Columbus? ☐ YES ☒ NO (select one)

If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Certified Address: 010 - 140811

☐ Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): AR-3 (Z20- 030)

Area Commission or Civic Association: Harrison West Society

Proposed Use or reason for Council Variance request: commercial and multi-family uses

Acreage: 2.682 +/-

APPLICANT:

Name: SC Thurber Village Limited c/o Eric Leibowitz Phone #: 614-744-2027 Ext.:

Address: 250 Civic Center Drive, #500 City/State: Columbus, Ohio Zip: 43215

Email: eleibowitz@castoinfo.com Fax #: n/a

PROPERTY OWNER(S): ☐ Check here if listing additional property owners on a separate page

Name: SC Thurber Village Limited c/o Eric Leibowitz Phone #: 614-744-2027 Ext.:

Address: 250 Civic Center Drive, #500 City/State: Columbus, Ohio Zip: 43215

Email Address: eleibowitz@castoinfo.com Fax #: n/a

ATTORNEY / AGENT (Check one if applicable): ☒ Attorney ☐ Agent

Name: Donald Plank Phone #: 614-947-8600 Ext.:

Address: Plank Law Firm, 411 East Town Street, Floor 2 City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax #: n/a

SIGNATURES (All signatures must be provided and signed in blue ink):

APPLICANT SIGNATURE: 

PROPERTY OWNER SIGNATURE: 

ATTORNEY / AGENT SIGNATURE: 

My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.

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

Council Variance Application

111 North Front Street, Columbus, Ohio 43215

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

AFFIDAVIT

(See instruction sheet)

APPLICATION #: CV20-033

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David B. Perry
of (1) MAILING ADDRESS David Perry Company, Inc., 411 East Town Street, Floor 1, Columbus, Ohio 43215
deposed and states that (he/she) is the ~~applicant, agent, 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 record of the property located at
(2) CERTIFIED ADDRESS FOR ZONING PURPOSES 777 Neil Avenue, Columbus 43215
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building
and Zoning Services, on (3) 4/1/20

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

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

(4) SC Thurber Village Limited

c/o Eric Leibowitz

250 Civic Center Drive, #500

Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #
(same as listed on front of application)

CASTO

Dave Perry, 614-228-1727

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR
CONTACT PERSON AND ADDRESS

(5) Harrison West Society

c/o David Carey

P.O. Box 163442; Columbus, Ohio 43216

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property 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)

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 1st day of April, in the year 2020

SIGNATURE OF NOTARY PUBLIC

(8)

My Commission Expires:

Notary Seal Here



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

This Affidavit expires six (6) months after date of notarization.

EXHIBIT A, PUBLIC NOTICE
777 NEIL AVENUE
CV20- 033
MARCH 31, 2020

APPLICANT:

SC Thurber Village Limited
c/o Eric Leibowitz
250 Civic Center Drive, #500
Columbus, Ohio 43215

PROPERTY OWNER:

SC Thurber Village Limited
c/o Eric Leibowitz
250 Civic Center Drive, #500
Columbus, Ohio 43215

ATTORNEY:

Donald Plank
Plank Law Firm
411 East Town Street, 2nd Floor
Columbus, Ohio 43215

COMMUNITY GROUP:

Harrison West Society
c/o David Carey
P.O. Box 163442
Columbus, Ohio 43216

PROPERTY OWNERS WITHIN 125 FEET:

Melissa E. Ricksecker and Marcus J. Flinn
(or current occupant)
716 Neil Avenue
Columbus, Ohio 43215

Edison Apartment Rentals, LLC
(or current occupant)
P.O. Box 12101
Columbus, Ohio 43212

Howard J. O'Malley, IV
(or current occupant)
24 West Fourth Avenue
Columbus, Ohio 43201

Dow T. Voelker, Tr.
(or current occupant)
1620 West First Avenue
Columbus, Ohio 43212

Lesley D. and Theresa J. Bruner
(or current occupant)
340 Buttles Avenue
Columbus, Ohio 43215

CHN University District, LLC
(or current occupant)
1680 Watermark Drive
Columbus, Ohio 43215

332 Partners
(or current occupant)
1436 Northwest Boulevard
Columbus, Ohio 43212

324 Buttles, LLC
(or current occupant)
P.O. Box 06348
Columbus, Ohio 43206

Shed Properties, LLC
(or current occupant)
2725 Wellesley Road
Columbus, Ohio 43209

Susanna I. Robbins
(or current occupant)
320 Buttles Avenue
Columbus, Ohio 43215

Michael B. Broe and Mary E. Tait
(or current occupant)
308 Buttles Avenue
Columbus, Ohio 43215

Third Street Condos, LLC
(or current occupant)
2 Easton Oval, Suite 510
Columbus, Ohio 43219

C&W Investment Co. 1, LLC
(or current occupant)
1020 Dennison Avenue, Suite 102
Columbus, Ohio 43201

C&W Investment Company 2, LLC
(or current occupant)
92 West Fifth Avenue
Columbus, Ohio 43201

Gerrard Thurber, LLC
(or current occupant)
150 East Campus View, Suite 100
Columbus, Ohio 43235

Alexandria Colony, LLC
(or current occupant)
3333 Richmond Road, Suite 350
Beachwood, Ohio 44122

City of Columbus
(or current occupant)
90 West Broad Street, #425
Columbus, Ohio 43215

OPRS Communities
(or current occupant)
1001 Kingsmill Parkway
Columbus, Ohio 43229-1129

Kathleen W. McInturf
(or current occupant)
768 Neil Avenue
Columbus, Ohio 43215

Alda Properties, LLC
(or current occupant)
52 East 15th Avenue
Columbus, Ohio 43201

David A. and Laura J. Butler
(or current occupant)
762 Neil Avenue
Columbus, Ohio 43215

Virginia J. Welch, Tr.
(or current occupant)
1335 Arlington Avenue
Columbus, Ohio 43212

Deborah C. Edsall, Tr.
(or current occupant)
754 Neil Avenue
Columbus, Ohio 43215

Cheryl R. and Gregory S. Hooker
(or current occupant)
746 Neil Avenue
Columbus, Ohio 43215

Todd A. and Mindy S. Law
(or current occupant)
744 Neil Avenue
Columbus, Ohio 43215

Thomas F. Kent and Elisabeth Calhoon
(or current occupant)
740 Neil Avenue
Columbus, Ohio 43215

Keylight Company, Ltd.
(or current occupant)
736 Neil Avenue
Columbus, Ohio 43215

730 Neil Avenue, LLC
(or current occupant)
70 Park Avenue West
Mansfield, Ohio 44902

CASTO
c/o Kolby Turnock
250 Civic Center Drive, #500
Columbus, Ohio 43215

Dave Perry
David Perry Company, Inc.
411 E Town Street, Floor 1
Columbus, OH 43215

CASTO
c/o Brent Myers
250 Civic Center Drive, #500
Columbus, Ohio 43215

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 #: CV20-033

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 411 East Town Street, Floor 2, 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 (include contact name and number)
Business or individual's address
City, State, Zip Code
Number of Columbus based employees
(Limited to 4 lines per box)

1. SC Thurber Village Limited; 250 Civic Center Drive, #500; Columbus, OH 43215 Number of Columbus based Employees: Zero (0) Contact Eric Leibowitz, 614-744-2027	2.
3. 	4.

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

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 1st day of April, 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



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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

William Leibowitz

Date

3/31/20

Signature of Attorney

Donald Plank

Date

3/31/20

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
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Exhibit B

Statement of Hardship

CV20- 033 , 777 Neil Avenue

Applicant's development site is 5.03 +/- acres (PID: 010-140811), being the block bound by Neil Avenue (east), Collins Avenue (south), Thurber Drive East (west) and Buttles Avenue (north). The site is presently zoned C-3, Commercial and is developed with an older retail shopping center and large parking lot. By rezoning application Z20-030, applicant proposes to rezone 2.343 +/- acres adjacent to Neil Avenue, Buttles Avenue and Collins Avenue from C-3 to CPD, Commercial Planned Development, for new commercial development, and 2.682 +/- acres adjacent to Thurber Drive East, Buttles Avenue and Collins Avenue for new residential development. This variance application is submitted for applicable variances for the AR-3 area.

The AR-3 area is proposed for up to 225 dwelling units, a community center and structured parking. The dwelling unit buildings are proposed to be multi-story. The AR-3 area will be split from the CPD area and will be developed in different phases. Lot splits may be required within the AR-3 area for phased construction. Thirty (30) parking spaces within the structured parking will be available for commercial use by the commercial uses in the adjacent CPD area. The existing shopping center building will be razed in phases. Interim commercial surface parking may be provided in the adjacent AR-3 area as the CPD area is redeveloped and the existing shopping center building is razed in phases.

Applicant has a hardship as well as a practical difficulty with compliance with the referenced code sections to build in a dynamic historic urban neighborhood with many styles and heights of housing. For applicants proposed development, there is no zoning district to which the site can be rezoned without also requiring variances. Since the neighborhood was built before Columbus adopted zoning, there are many buildings/parcels not in compliance with aspects of the Zoning Code and many new development projects have sought and received comparable variances as proposed. The proposed use and proposed site development are appropriate for the site and location, with similar multi-story residential development located to the south, including (Westminster Thurber and the Arena District. The proposed use is consistent with the dense, urban area of the site. The requested variances are not substantial given the urban environment, will not affect the delivery of government services, the variances are necessary for reasonable use of the property and are consistent with the spirit of the zoning requirement given the urban environment.

Applicant requests the following variances:

1). Section 3333.03, AR-3, Apartment Residential District Use, to permit the use of the structured parking in the AR-3 area of the site for up to 30 commercial parking spaces related to the commercial uses on the adjacent CPD, Commercial Planned Development area and to permit new parking developed in the AR-3 area as interim parking for commercial use to support the phased development of the CPD area as the shopping center building in the AR-3 area is razed in phases.

2). Section 3309.14, Height Districts, to permit one (1) 160 foot tall building, generally located near the intersection of Thurber Drive East and Collins Drive, in the H-60 Height District.

3). Section 3312.27, Parking Setback Line, to reduce the parking setback line from 25 feet to three (3) feet at the corner of Thurber Drive East and Collins Avenue and to reduce the parking setback of any parking developed for interim commercial use to five (5) feet from any public street.

4). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking for up to 225 dwelling units from 338 spaces to 300 spaces.

5). Section 3333.15(C), Basis of Computing Area, to increase permitted lot coverage (building) in the 2.682 +/- acre AR-3 area from 50% to 70% in the aggregate for the entire AR-3 area and from 50% to 100% for any parcel created within the AR-3 area.

6). Section 3333.18, Building Lines, to permit a ten (10) foot building setback on Buttles Avenue, Thurber Drive East and Collins Avenue.

7). Section 3333.22, Maximum Side Yard Required, to reduce maximum side yard from 16 feet to zero (0) feet for both the aggregate AR-3 area and also as applicable to any property lines created within the AR-3 area.

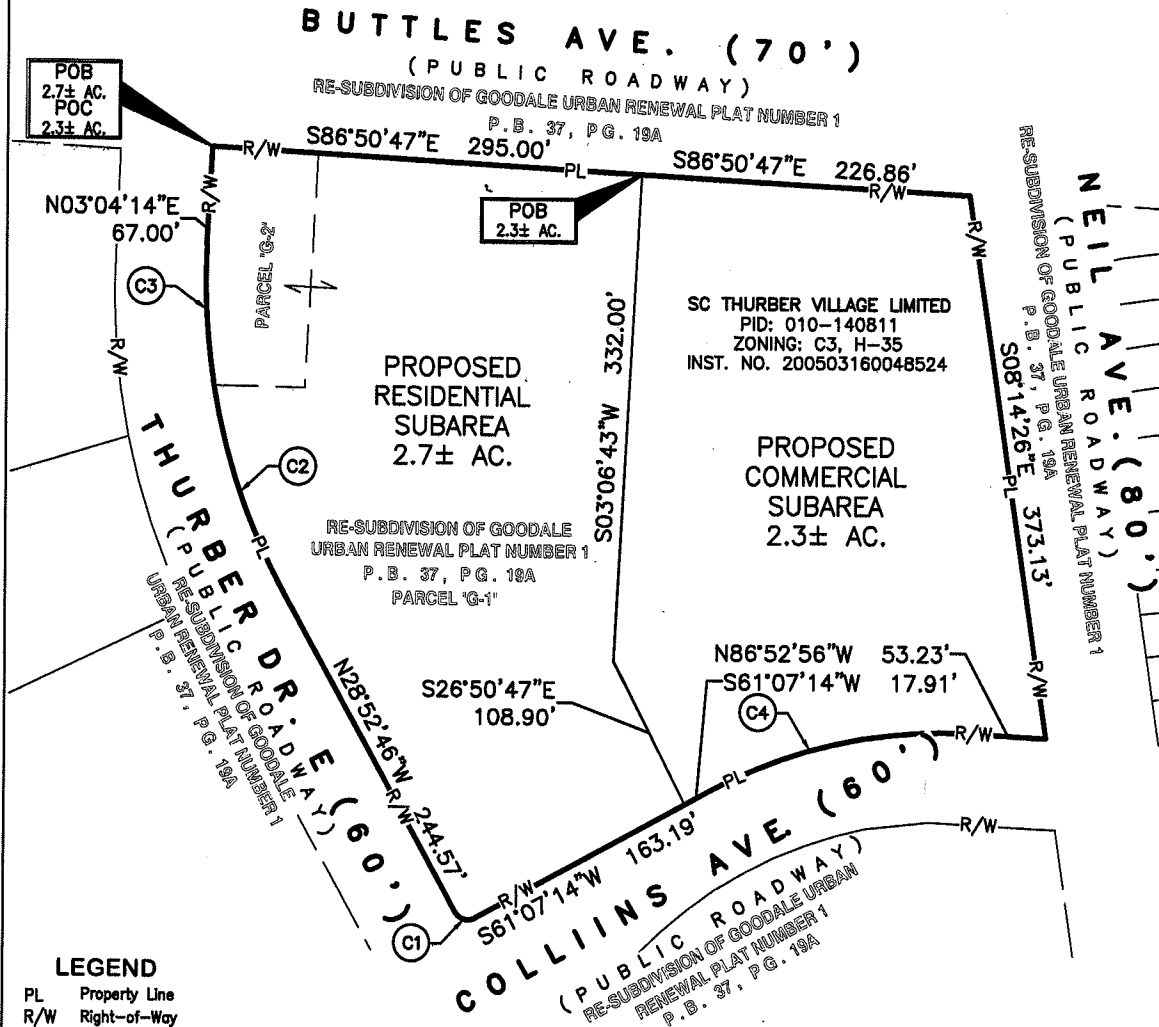
8). Section 3333.23(d), Minimum Side Yard Permitted, to reduce the minimum side yard from a calculated side yard based on building height to zero (0) for both the aggregate AR-3 area and also as applicable to any property lines created within the AR-3 area.

9). Section 3333.24, Rear Yard, to reduce rear yard from 25% of lot area to 0% of lot area for both the aggregate AR-3 area and also as applicable to development on any parcels created within the AR-3 area.

10). Section 3333.255, Perimeter yard, to reduce Perimeter Yard from a maximum of 25 feet to zero (0) feet for the aggregate AR-3 area.

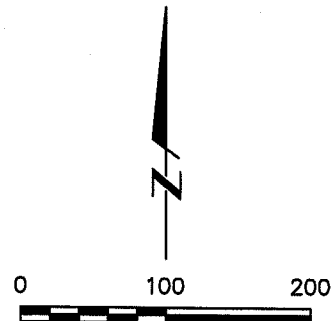
2.7 & 2.3 ACRE ZONING BOUNDARY

STATE OF OHIO, COUNTY OF FRANKLIN, CITY
OF COLUMBUS, HALF SECTION 9, TOWNSHIP
5 NORTH, RANGE 22 WEST, SCOFIELD'S
SURVEY OF THE REFUGEE LANDS



CURVE TABLE

NO.	LENGTH	RADIUS	DELTA	CHORD	CHORD BEARING
C1	15.70'	10.00'	089°58'58"	14.14'	N73°52'46"W
C2	154.40'	445.00'	019°52'47"	153.63'	N18°56'23"W
C3	93.75'	445.00'	012°04'15"	93.58'	N02°57'54"W
C4	187.08'	335.00'	031°59'48"	184.66'	S77°07'08"W



E. P. FERRIS
AND ASSOCIATES
INC.

Consulting Civil Engineers and Surveyors

880 KING AVENUE
COLUMBUS, OHIO 43212
(614) 299-2999
(614) 299-2992 (Fax)
www.EPFERRIS.com

DRWN BY DAS CHK BY MLS DATE 03-10-20

958.010

CV20-033

ZONING DESCRIPTION
2.3 +/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 9 Township 5 North, Range 22 West, Scofield's Survey of the Refugee Lands being part of Parcels G-1 as delineated in Re-subdivision of Goodale Urban Renewal Plat Number 1 as recorded in Plat Book 37 Page 19A, conveyed to SC Thurber Village Limited in Instrument Number 200503160048524, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

COMMENCING at a point, being the northwesterly corner of said parcel G-2 also being the intersection of the easterly right-of-way line of Thurber Drive East (60') as delineated in said Plat and the southerly right-of-way line of Buttles Avenue (70') as delineated in said Plat;

Thence along the southerly right-of-way line of said Buttles Avenue and the northerly line of said Parcels G-1 & G-2, South 86°50'47" East, 295.00 feet to a point, said point being the **TRUE POINT OF BEGINNING** for the tract here-in described;

Thence along the southerly right-of-way line of Buttles Avenue and the northerly line of said Parcel G-1, South 86°50'47" East, 226.86 feet to a point, said point being the northeasterly corner of said Parcel G-1, also being the intersection of the southerly right-of-way line of said Buttles Avenue and the westerly right-of-way line of Neil Avenue (80') as delineated in said Plat;

Thence along the easterly line of said Parcel G-1 and the westerly right-of-way line of said Neil Avenue, South 08°14'26" East, 373.13 feet to a point, said point being the southeast corner of said Parcel G-1 also being the intersection of the westerly right-of-way line of said Neil Avenue and the northerly right-of-way line of Collins Avenue (60') as delineated in said Plat;

Thence along the southerly line of said Parcel G-1 and the northerly line of said Collins Avenue, North 86°52'56" West, 53.23 feet to a point;

Thence continuing along the southerly line of said Parcel G-1, and the northerly right-of-way line of said Collins Avenue, along a curve to the left having a radius of 335.00 feet, a delta angle of 31°59'48", an arc length of 187.08 feet, and a chord bearing and distance of South 77°07'08" West, 184.66 feet to a point;

Thence along the southerly line of said Parcel G-1 and the northerly line of said Collins Avenue, South 61°07'14" West, 17.91 feet to a point;

Thence across said Parcel G-1, North 26°50'47" West, 108.90 feet to a point;

Thence continuing across said Parcel G-1, North 03°06'43" East, 332.00 feet to a point, said point being the **POINT OF BEGINNING**, containing 2.3 acre, more or less.

This description is based on records obtained by E.P. Ferris and Associates in 2020 and is intended to be used for zoning purposes only.

ZONING DESCRIPTION
2.7 +/- ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 9 Township 5 North, Range 22 West, Scofield's Survey of the Refugee Lands being part of Parcel G-1 & all of Parcel G-2 as delineated in Re-subdivision of Goodale Urban Renewal Plat Number 1 as recorded in Plat Book 37 Page 19A, conveyed to SC Thurber Village Limited in Instrument Number 200503160048524, all records being of the Recorder's Office, Franklin County, Ohio and being more particularly bounded and described as follows:

BEGINNING at a point, being the northwesterly corner of said parcel G-2 also being the intersection of the easterly right-of-way line of Thurber Drive East (60') as delineated in said Plat and the southerly right-of-way line of Buttles Avenue (70') as delineated in said Plat;

Thence along the southerly right-of-way line of said Buttles Avenue and the northerly line of said Parcels G-1 & G-2, South 86°50'47" East, 295.00 feet to a point;

Thence across said Parcel G-1, South 03°06'43" West, 332.00 feet to a point;

Thence continuing across said Parcel G-1, South 26°50'47" East, 108.90 feet to a point, being on the southerly line of said Parcel G-1 and the northerly line of Collins Avenue (60') as delineated in said Plat;

Thence along the southerly line of said Parcel G-1 and the northerly line of said Collins Avenue, South 61°07'14" West, 163.19 feet to a point;

Thence along the southerly line of said Parcel G-1, being the intersection of the northerly line of said Collins Avenue and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 10.00 feet, a delta angle of 89°58'58", an arc length of 15.70 feet, and a chord bearing and distance of North 73°52'46" West, 14.14 feet to a point, being the southwest corner of said Parcel G-1;

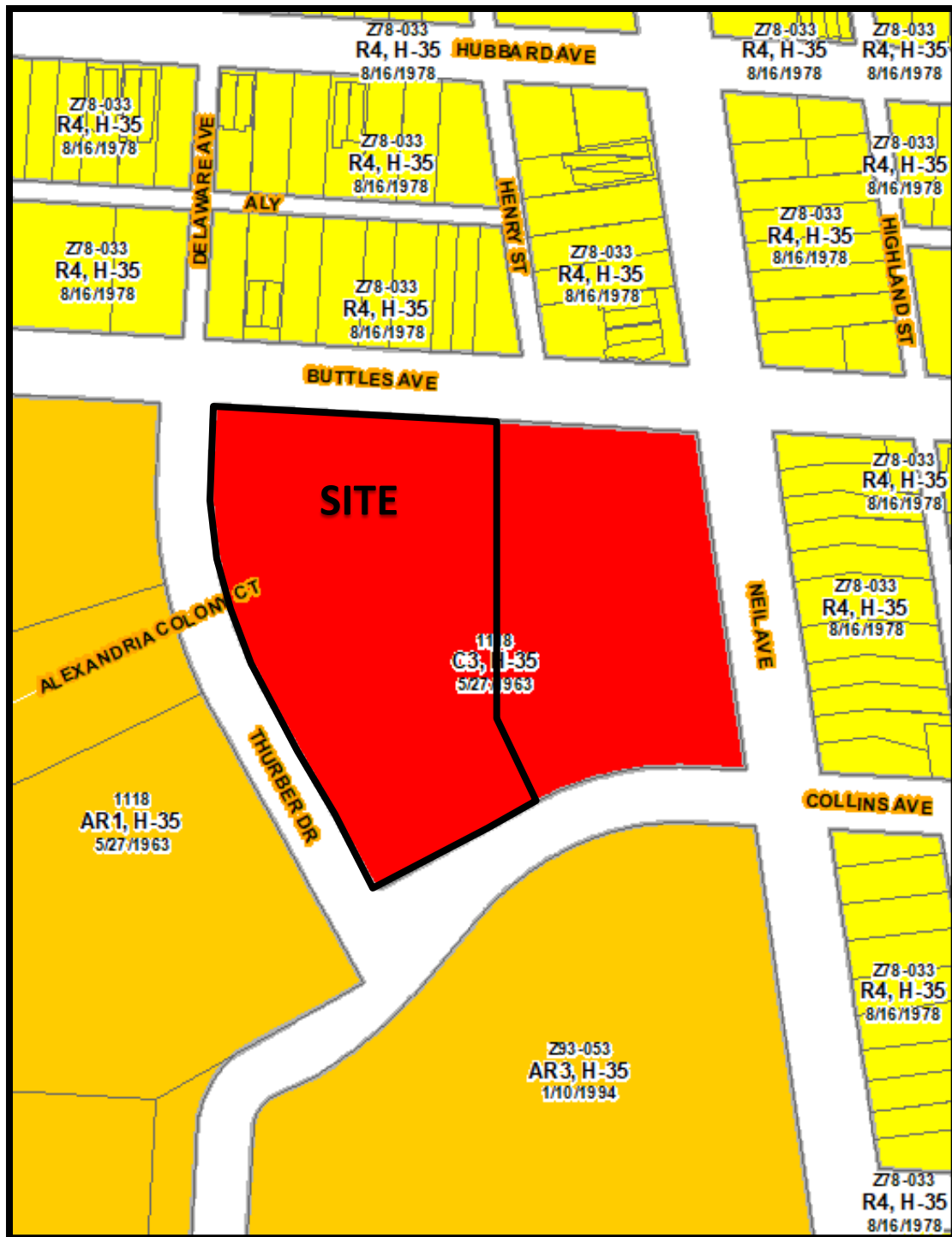
Thence along the westerly line of said Parcel G-1 tract and the easterly line of said Thurber Drive East Avenue, North 28°52'46" East, 244.57 feet to a point;

Thence continuing along the westerly line of said 5.025 acre tract, and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 445.00 feet, a delta angle of 19°52'47", an arc length of 154.40 feet, and a chord bearing and distance of North 18°56'23" West, 153.63 feet to a point being the southwest corner of said Parcel G-2, and a northwesterly corner of said Parcel G-1;

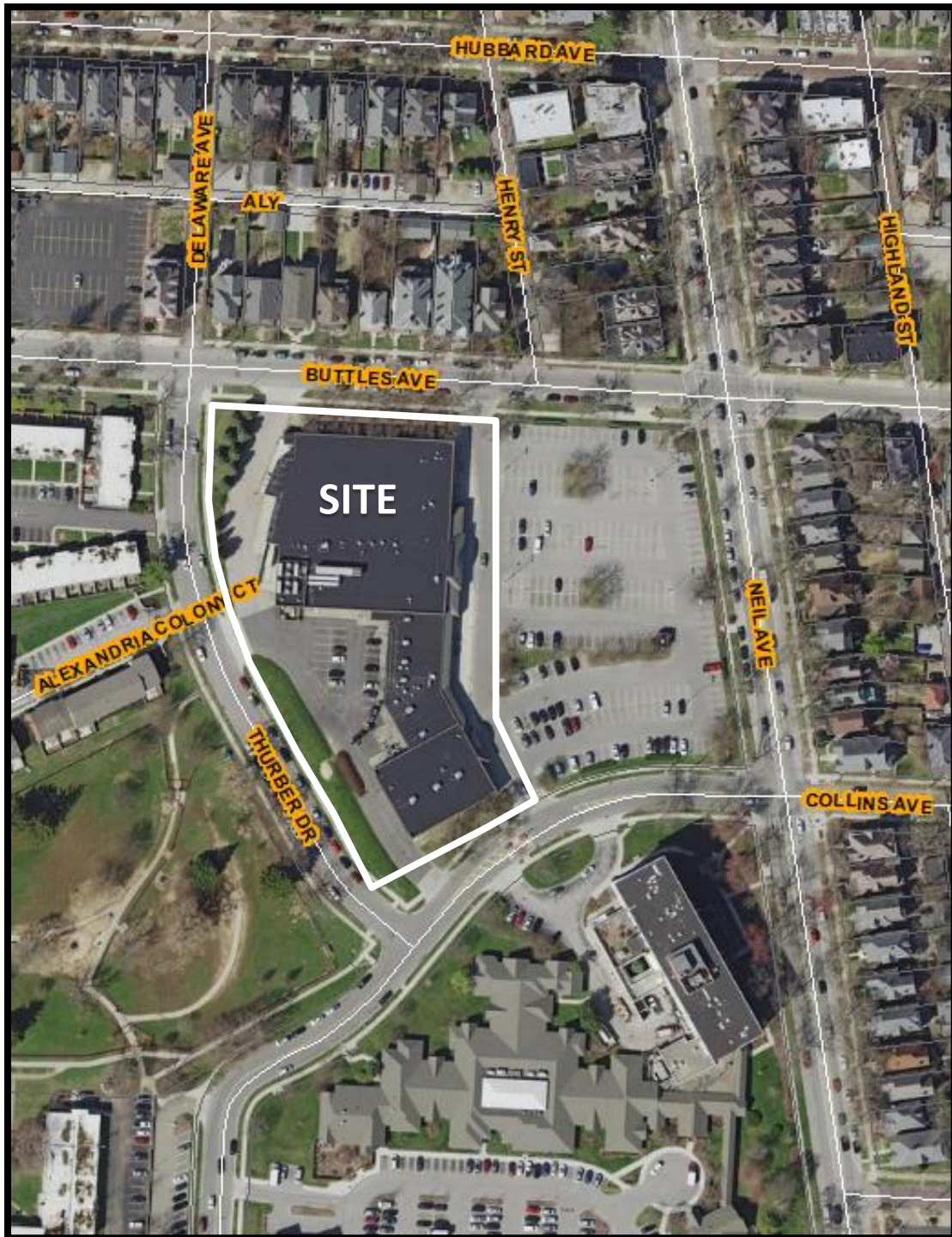
Thence along the westerly line of said Parcel G-2, and the easterly line of said Thurber Drive East, along a curve to the right having a radius of 445.00 feet, a delta angle of 12°04'15", an arc length of 93.75 feet, and a chord bearing and distance of North 02°57'54" West, 93.58 feet to a point;

Thence continuing along the westerly line of said Parcel G-2 and the easterly line of said Thurber Drive East, North 03°04'14" West, 67.00 feet to a point said point being the **POINT OF BEGINNING**, containing 2.7 acre, more or less.

This description is based on records obtained by E.P. Ferris and Associates in 2020 and is intended to be used for zoning purposes only.



CV20-033
777 Neil Ave.
Approximately 2.68 acres



CV20-033
777 Neil Ave.
Approximately 2.68 acres