THE CITY OF COLUMBUS

Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

ONLY	Application Number: CV23	-029 D	ate Received:	3/28/2	3				
USE	Application Accepted by: TD	ee: \$ 2,5	700						
OFFICE USE ONLY	Assigned Planner: Kelsey Priebe; kmpriebe@columbus.gov; 614-645-1341								
LOCA	TION AND ZONING REQUEST:								
Existing Address or Zoning Number: 45 West Barthman Avenue, Columbus, OH Zip: 43207									
Is this application being annexed into the City of Columbus? YES NO (select one) If the site is currently pending annexation, the Applicant must show documentation of County Commissioner's adoption of the annexation petition.									
Parcel N	Number for Address or Zoning Number:010 - 0075	36, 010 - 065301, 010 - 02	3821 (part)	amenation polition.	•				
	eck here if listing additional parcel numbers on c			· · · · · · · · · · · · · · · · · · ·					
Current Zoning District(s): M Acreage: 8.150 +/-									
Neighbo	orhood Group: Columbus Southside Area Comm	ission	-						
	d Use or Multi-family; see Exhibit B								
			(Flahorato in	Statement of Hards	7:-)				
	ICANT:			Statement of Haras	inip)				
Applicat	nt Name: NRP Properties, LLC; c/o Dave Perry	Phone Number: (614) 228-1727	Ext.:	 ,				
Address	: David Perry Company, Inc.; 411 East Town S	t, Fl 1 City/State: Columb	us, OH	Zip: 4321	5				
Email Address: dave@daveperryco.net									
PROP	ERTY OWNER(S): Check here if listing addition	1							
Name:	OSC, LLC; c/o James D. Gilbert, Attorney	nal property owners on a separe Phone Number: <u>(614</u>		Ext.:					
Address	: 6065 Frantz Road, Suite 105	City/State:Dublin, (ЭН	Zip: 4301	7				
Email A	ddress:gilbertjamesd@gmail.com								
ATTO	RNEY / AGENT: (Check one if applicable)	ttorney Agent FOR A	PPLICANT	•					
	Donald Plank	Phone Number: (614		Ext.:					
Address:	Plank Law Firm, 411 East Town Street, Floo	r 2 City/State: Columbu	ıs, OH	Zip:4321	5				
Email Ad	ldress: dtp@planklaw.com								
SIGNATURES: APPLICANT SIGNATURE APPLICANT SIGNATURE APPLICANT SIGNATURE									
PROPERTY OWNER SIGNATURE SEE SUPPLEMENTAL PROPERTY OWNER EXHIBIT									
ATTORN	YEY / ACENT SIGNATURE ON ALL	Dank			-				
understa	r applicant) uture aftests to the fact that the attached application pac and that the City staff review of this application is depen te or inadequate information provided by me/my firm/			nowledge. I led and that any					

CV23-<u>029</u> 45 West Barthman Avenue Columbus, OH 43207

SUPPLEMENTAL PROPERTY OWNER EXHIBIT

OSC, LLC c/o James D. Gilbert, Attorney Millennium Office Park 6065 Frantz Road, Suite 105 Dublin, OH 43017

Email: gilbertjamesd@gmail.com

Phone: (614) 766-5423

The Salvation Army
c/o Stephen C. Nudel, Attorney
Law Offices of Stephen C. Nudel, PC
219 Pine Street
Harrisburg, PA 17101

The Salvation Army

Law Offices of Stephen C. Nudel, PC

Signature

Date

Date

Email: scnudel@nudelpc.com

Phone: (717) 236-5000



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STATEMENT OF HARDSHIP

Application No. CV23-029

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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 not included, a new application (and applicable fees) 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 by Devr B. Perry, Agent Date 3/24/2013

Signature of Attorney Date 1/2013

(for applicant)

Exhibit B

Statement of Hardship

CV23- 029, 45 West Barthman Avenue

The site 8.150 +/- acres is located on the west side of S. Wall Street (20') at the west terminus of W. Barthman Avenue. The site is zoned M, Manufacturing and consists of parcels: 010-007536, 010-065301 and 010-023821 (part).

Applicant proposes to redevelop the site with an affordable housing apartment complex with a maximum of 200 dwelling units. Applicant is seeking financing with the Ohio Housing Finance Agency (OHFA) and/or other financing related to building affordable housing. In accordance with City of Columbus application policy for affordable housing projects requiring zoning, this variance application is submitted for variance to the M. Manufacturing District to permit multifamily housing and also related variances to permit the project. A rezoning application will be submitted prior to the variance ordinance being sent to Columbus City Council. Time is of essence. The property is under contract for sale subject to: 1) zoning to permit the proposed multi-family development and 2) subject to OHFA and/or other applicable funding, as applicable.

Until funding is secured, rezoning the site to a residential district will create a hardship on the current property owner as the property won't be purchased by applicant without applicable financing. This variance request will not impair an adequate supply of light and air to adjacent properties, unreasonably increase congestion on public streets, increase the risk of fire, nor endanger the public health, safety or welfare of the inhabitants of the City of Columbus. The multi-family development will provide needed affordable housing consistent with City of Columbus objectives for development of affordable housing. Multiple residential redevelopment requests have been approved in the area zoned M, Manufacturing west of S. High Street.

Applicant requests the following variances:

- 1). Section 3363.01, M, Manufacturing District, to permit an apartment complex with up to 200 dwelling units.
- 2). Section 3309.14, to permit a building height of 40 feet in the H-35 Height District.
- 3). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking for 200 (max) dwelling units from 300 spaces (1.5 spaces/DU) to 286 spaces (1.43 spaces/DU).
- 4). 3333.16, Fronting, to permit an apartment complex without street frontage (S. Wall Street, 20').

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

AFFIDAVIT		Application No. CV23- 029
STATE OF OHIO COUNTY OF FRANKLIN		
Being first duly cautioned and sworn (1) NAMED	avid	l B. Perry
of (1) MAILING ADDRESS David Perry Compa	any,	Inc., 411 East Town Street, Floor 1, Columbus, OH 43215
deposes and states that (he/she) is the applicant, agent	, or c	luly authorized attorney for same and the following is a list of the
name(s) and mailing address(es) of all the owners of re	cord	of the property located at
(2) per PROPERTY ADDRESS or ZONING NUMBER	4	45 West Barthman Avenue, Columbus, OH 43207
for which application for a rezoning, variance, special p	erm	it or graphics plan was filed with the Department of Building and
Zoning Services		
SUBJECT PROPERTY OWNER'S NAME	(3)	OSC, LLC
AND MAILING ADDRESS		c/o James G. Gilbert, Attorney
Check here if listing additional property owners on a separate page.		6065 Frantz Road, Suite 105, Dublin, OH 43017
APPLICANT'S NAME AND PHONE #		NRP Properties, LLC
(same as listed on front application)		c/o Dave Perry, (614) 228-1727
·	(4)	Columbus Southside Area Commission
ZONING CHAIR OR CONTACT PERSON		c/o Kathy Green
AND EMAIL ADDRESS		Email: kathrynfgreen@gmail.com

and that the attached document (5) 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.

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this

lay of <u>MACAL</u>, in the ye

Notary Seal Here

(6) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

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 List 45 West Barthman Avenue CV23-029 March 24, 2023

APPLICANT:

NRP Properties, LLC c/o Dave Perry, Agent David Perry Company, Inc. 411 East Town Street, Floor 1 Columbus, OH 43215

COMMUNITY GROUP:

Columbus Southside Area Commission c/o Kathryn F. Green 458 East Whittier Street Columbus, OH 43206

PROPERTY OWNERS:

OSC, LLC c/o James D. Gilbert, Attorney 6065 Frantz Road, Suite 105 Dublin, OH 43017

The Salvation Army c/o Stephen C. Nudel, Attorney Law Offices of Stephen C. Nudel, PC 219 Pine Street Harrisburg, PA 17101

Columbus Southside Area Commission c/o Carly Maggio 410 E Kossuth St Columbus, OH 43206

ATTORNEY FOR APPLICANT:

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

SURROUNDING PROPERTY OWNERS WITHIN 125 FEET

Mr. Tyler Riegle The NRP Group, LLC

1228 Euclid Avenue, 4th Floor Cleveland, OH 44115

Lois D. Gaber (or current occupant) 3178 Bembridge Road Columbus, OH 43221

Southside Baptist Church 1621 South High Street Columbus, OH 43207

ONNI, LLC 2090 Riverside Drive Columbus, OH 43221 Mr. Aaron Pechota The NRP Group, LLC 1228 Euclid Avenue, 4th Floor Cleveland, OH 44115

The Salvation Army 1675 South High Street Columbus, OH 43207

Stephen H. Eichhorn (or current occupant) 1645 South High Street Columbus, OH 43207

Valter, LLC 2090 Riverside Drive Columbus, OH 43221 Scott Skinner The NRP Group, LLC 1228 Euclid Avenue, 4th Floor Cleveland, OH 44115

Erie Land Co., LLC 500 South Front Street, 10th Floor Columbus, OH 43215

Susan Stith (or current occupant) 210 Richards Road Columbus, OH 43215

45 West Barthman Avenue CV23-029, March 24, 2023 **Exhibit A. Public Notice List** Page 1 of 2

Southeast Community LCZJ, Inc. Brosh Properties, LLC Mental Health Center, Inc. 1690 South High Street 35 Frederick Street 1699 South High Street Columbus, OH 43207 Columbus, OH 43206 Columbus, OH 43207 Baker, Bernard Buddy Kacia Grant Claudia Realty, LLC (or current occupant) (or current occupant) 1717 South High Street 1721 South High Street 1729 South High Street Columbus, OH 43207 Columbus, OH 43207 Columbus, OH 43207 Edward T., Mary Ellen Cain South German Village, LLC My Property Solutions, LLC (or current occupant) 1743 South High Street 2791 Stratford Drive 1733 South High Street Columbus, OH 43207 Columbus, OH 43220 Columbus, OH 43207 OSC, LLC The Salvation Army The Salvation Army c/o Alan Cleery 966 East Main Street 440 West Nyack Road 5767 Duvall Road West Nyack, NY 10994 Columbus, OH 43205 Ashville, OH 43103 Grigoriy, Sergey Levitskiy Stephen H. Eichorn 1795 South High Street, LLC (or current occupant) (or current occupant) 1925 Adam Clayton Powell Jr. Blvd. Apt. 2 8743 Renfrew Street 3880 Refugee Road New York, NY 10026 Powell, OH 43065 Columbus, OH 43232 Dashnor Kodhelaj Central Ohio Community Strata Group, LLC Improvement Corporation (or current occupant) P.O. Box 75 4991 Mengal Lane 845 Parsons Avenue New Albany, OH 43054 Hilliard, OH 43026 Columbus, OH 43206 Aryan Nagi, LLC TSR 1895, LLC Pennsylvania Lines, LLC 5756 Langhorn Drive 1895 South High Street 110 Franklin Road, SE Columbus, OH 43235 Columbus, OH 43207 Roanoke, VA 24042

CSX Transportation, Inc. Chesapeake & Ohio Railway 500 Water Street (C910) Jacksonville, FL 32202

> 45 West Barthman Avenue CV23-029, March 24, 2023 Exhibit A, Public Notice List Page 2 of 2



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DEPARTMENT OF BUILDING AND ZONING SERVICES

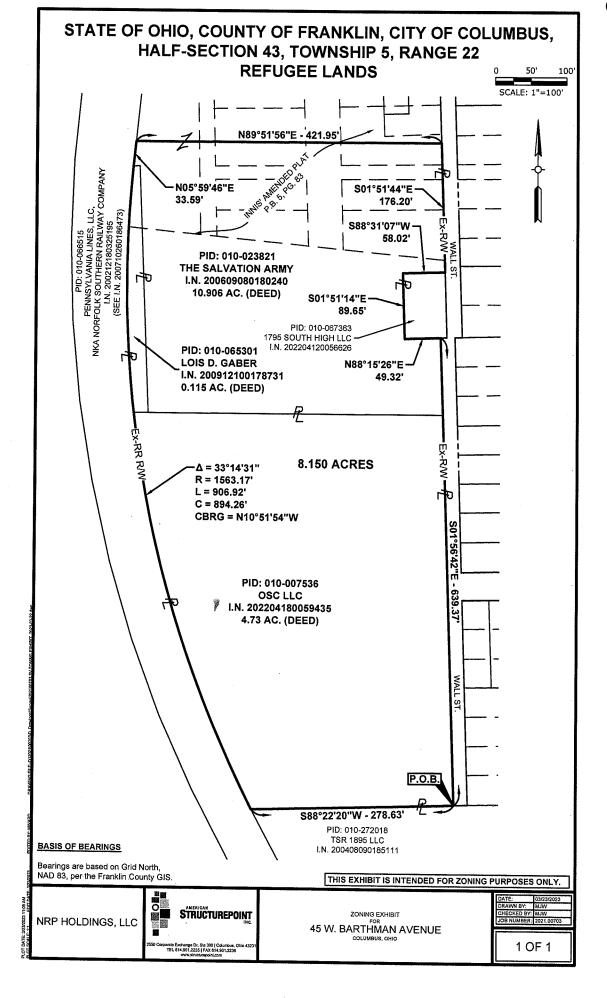
111 N Front Street, Columbus, Ohio 43215
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DD	Λ	TECT	DISCI	OCTIDE	STATEMENT
PK	w	JECL	DIOCL	JOSUKE	SIALEMENI

APPLICATION #: CV23- 029

Parties having a 5% or more interest in the project that is the subject that it is the subject	ect of this application.					
THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.						
deposes and states that (he/she) is the APPLICANT, AGENT, OR I	Town Street, Floor 2, Columbus, OH 43215					
	nme of Business or individual (including contact name and number)					
	siness or individual's address; City, State, Zip Code					
	imber of Columbus-based employees					
(L	imited to 3 lines per box)					
1. NRP Properties, LLC; 1228 Euclid Ave, 4th Floor, Cleveland, OH 44115; # Cols-based emps: 15 Contact: Scott Skinner, (408) 656-8126	2. OSC, LLC; c/o James D. Gilbert, Attorney; 6065 Frantz Road, Suite 105, Dublin, OH 43017 # Columbus-based employees: Zero (0) Contact: James Gilbert, (614) 766-5423					
3. The Salvation Army; c/o Stephen C. Nudel, Attorney; Law Offices of Stephen C. Nudel, PC; 219 Pine St, Harrisburg, PA 17101; # Cols-based emps: Contact: Stephen Nudel, (717) 236-5000	4.					
Check here if listing additional parties on a separate page.						
SIGNATURE OF AFFIANT Donald	Vank					
Sworn to before me and signed in my presence this 24th da	y of Notary Seal Here					
SIGNATURE OF NOTARY PUBLIC ManyAlice Wolf Notary Public, State of Ohio	My Commission Expires					

This Project Disclosure Statement expires six (6) months after date of notarization.



DESCRIPTION OF 8.150 ACRES

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Half-Section 43, Township 5, Range 22, Refugee Lands, being all of that 4.73 acre tract described in a deed to OSC LLC, of record in Instrument Number 202204180059435, being all of that 0.115 acre tract described in a deed to Lois D. Gaber, of record in Instrument Number 200912100178731, and being part of that 10.906 acre tract described in a deed to The Salvation Army, of record in Instrument Number 200609080180240, all record referenced herein are on file at the Office of the Recorder for Franklin County, Ohio, and being further bounded and described as follows:

BEGINNING at the southwest corner of said 4.73 acre tract, being on the existing west right-of-way line for Wall Street;

Thence South 88 degrees 22 minutes 20 seconds West, along the south line of said 4.73 acre tract, a distance of 278.63 feet to the southwest corner of said 4.73 acre tract, being on the existing east right-of-way line for Norfolk Southern Railroad;

Thence along the arc of a non-tangent curve to the right, along the existing east right-of-way line for said railroad, along the west lines of said 4.73 acre tract, said 0.115 acre tract, and said 10.906 acre tract, said curve having a radius of 1,563.17 feet, a central angle of 33 degrees 14 minutes 31 seconds, and an arc length of 906.92 feet to a point, said curve being subtended by a long chord having a bearing of North 10 degrees 51 minutes 54 seconds West and a length of 894.26 feet;

Thence North 05 degrees 59 minutes 46 seconds East, continuing along the existing east right-of-way line for said railroad and along the west line of said 10.906 acre tract, a distance of 33.59 feet to a point;

Thence North 89 degrees 51 minutes 56 seconds East, across said 10.906 acre tract, a distance of 421.95 feet to a point on an east line of said 10.906 acre tract, being on the existing west right-of-way line for said Wall Street;

Thence South 01 degree 51 minutes 44 seconds East, along the east line of said 10.906 acre tract and along the existing west right-of-way line for said Wall Street, a distance of 176.20 feet to a southeast corner of said 10.906 acre tract;

Thence South 88 degrees 31 minutes 07 seconds West, along a south line of said 10.906 acre tract, a distance of 58.02 feet to a southeast corner of said 10.906 acre tract;

Thence South 01 degree 51 minutes 14 seconds East, along an east line of said 10.906 acre tract, a distance of 89.65 feet to a northeast corner of said 10.906 acre tract;

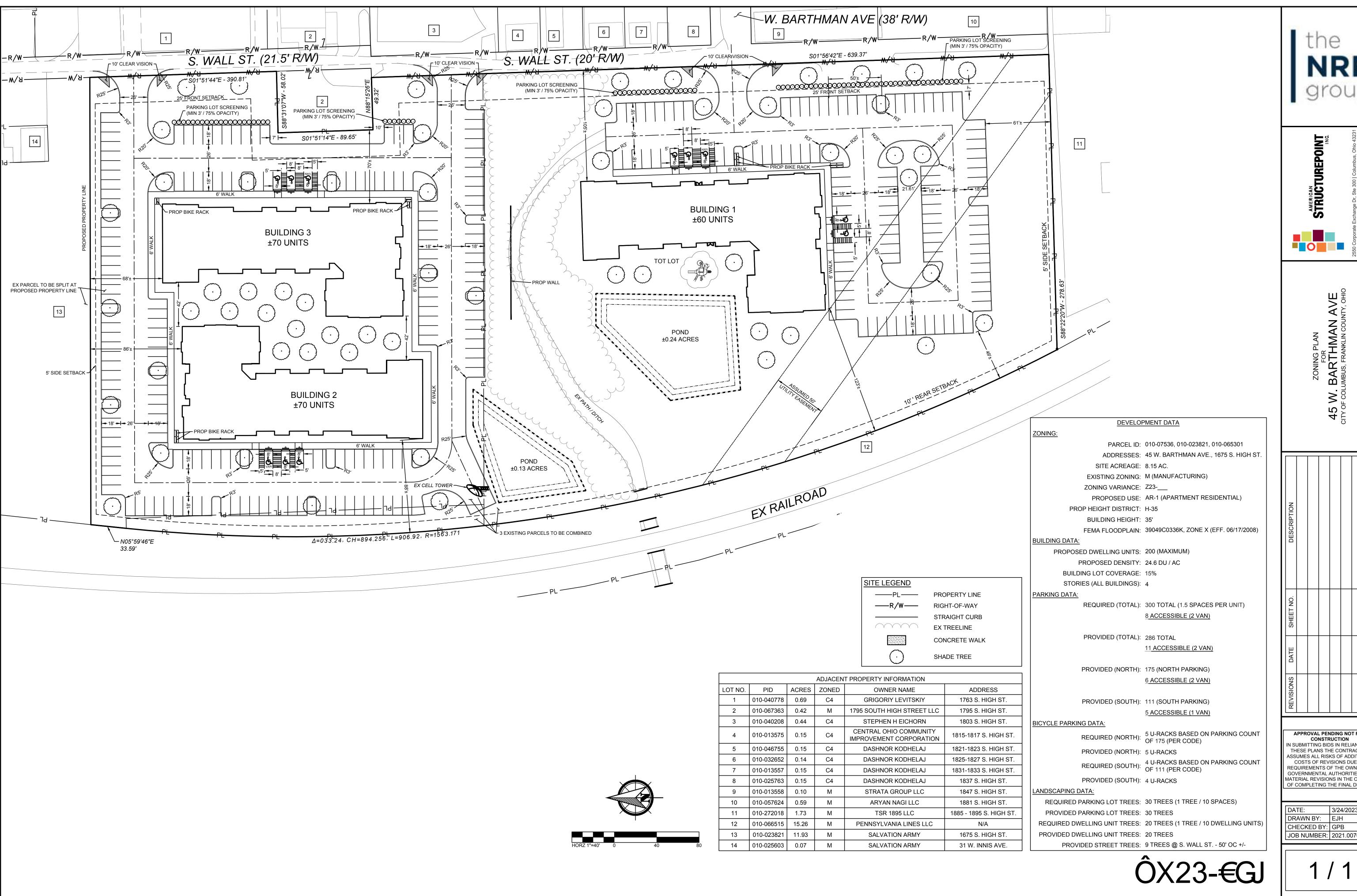
Thence North 88 degrees 15 minutes 26 seconds East, along a north line of said 10.906 acre tract, a distance of 49.32 feet to a northeast corner of said 10.906 acre tract, being on the existing west right-of-way line for said Wall Street;

Thence South 01 degree 56 minutes 42 seconds East, along the east line of said 10.906 acre tract and said 4.73 acre tract, along the existing west right-of-way line for said Wall Street, a distance of 639.37 feet to the POINT OF BEGINNING for this description.

The above description contains a total area of **8.150 acres** located within Franklin County Auditor's parcel numbers 010-007536, 010-065301 and 010-023821.

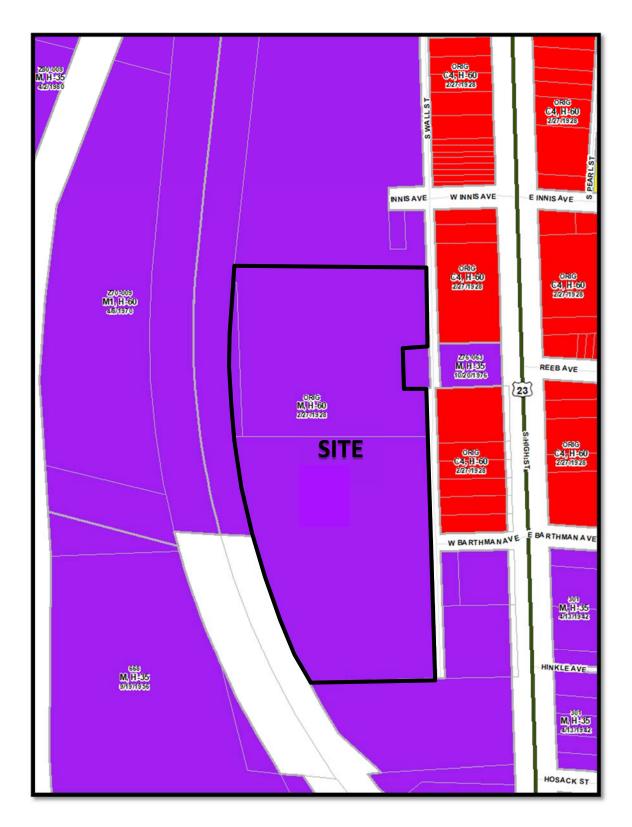
Bearings described hereon are based on Grid North, NAD 83, per the Franklin County GIS.

This description is intended for zoning purposes only and does not represent an actual field survey.

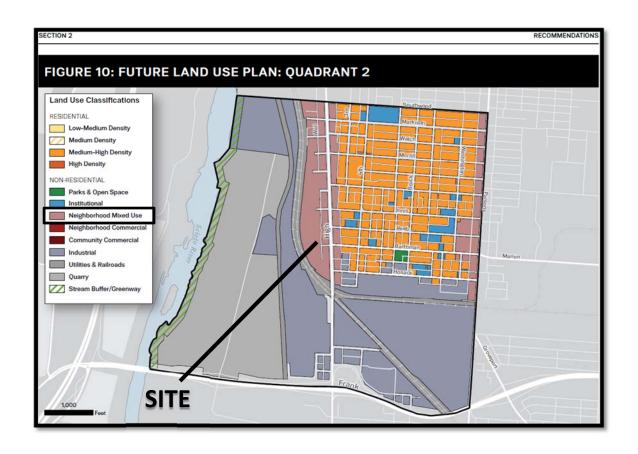


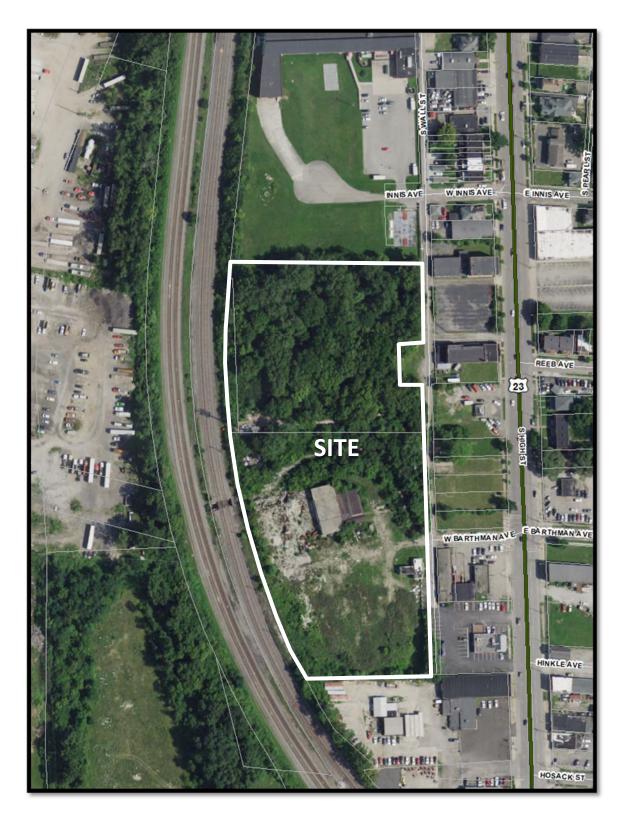
APPROVAL PENDING NOT FOR IN SUBMITTING BIDS IN RELIANCE ON THESE PLANS THE CONTRACTOR ASSUMES ALL RISKS OF ADDITIONAL COSTS OF REVISIONS DUE TO REQUIREMENTS OF THE OWNER OR GOVERNMENTAL AUTHORITIES AND MATERIAL REVISIONS IN THE COURSE OF COMPLETING THE FINAL DESIGN.

3/24/2023 JOB NUMBER: 2021.00703



CV23-029 45 W. Barthman Ave. Approximately 8.15 acres





CV23-029 45 W. Barthman Ave. Approximately 8.15 acres