

# 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

OFFICE USE ONLY

Application Number: CV24-106 Date Received: 8/27/24  
Application Accepted by: Alyssa Saltzman Fee: \$2,200  
Assigned Planner: Alyssa Saltzman; 614-645-9625; ADSaltzman@Columbus.gov

## LOCATION AND ZONING REQUEST:

Existing Address or Zoning Number: 42 West Jenkins 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 Number for Address or Zoning Number: 010 - 049236

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

Current Zoning District(s): AR - 2 Acreage: 1.61 +/-

Neighborhood Group: Columbus Southside Area Commission

Proposed Use or reason for request: See Exhibit B

*(Elaborate in Statement of Hardship)*

## APPLICANT:

Applicant Name: Community Housing Network; c/o Dave Perry Phone Number: (614) 228-1727 Ext.: --

Address: David Perry Company, Inc.; 411 East Town St, Fl 1 City/State: Columbus, OH Zip: 43215

Email Address: dave@daveperryco.net

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

Name: Community Development for All People; c/o Brittany L.B. Eddy Phone Number: (614) 445-7342 Ext.: 104

Address: 946 Parsons Avenue City/State: Columbus, OH Zip: 43206

Email Address: beddy@4allpeople.net

**ATTORNEY / AGENT:** (Check one if applicable)  Attorney  Agent FOR APPLICANT

Name: Donald Plank Phone Number: (614) 947-8600 Ext.: --

Address: Plank Law Firm, 411 East Town St, Fl 2 City/State: Columbus, OH Zip: 43215

Email Address: dtp@planklaw.com

## SIGNATURES:

APPLICANT SIGNATURE Community Housing Network by David B. Perry, Agent

PROPERTY OWNER SIGNATURE Michael J. Eddy

ATTORNEY / AGENT SIGNATURE Donald Plank

*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.*

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**AFFIDAVIT**

Application # CV24- 106

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, OH 43215

deposes and states that ~~they are the applicant, agent, or duly authorized attorney~~ <sup>he is</sup> 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) per PROPERTY ADDRESS or ZONING NUMBER 42 West Jenkins Avenue, Columbus, OH 43207

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services

SUBJECT PROPERTY OWNER'S NAME  
AND MAILING ADDRESS

(3) Community Development for All People  
c/o Brittany L.B. Eddy  
946 Parsons Avenue, Columbus, OH 43206

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

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

Community Housing Network  
c/o Dave Perry, (614) 228-1727

NEIGHBORHOOD GROUP  
ZONING CHAIR OR CONTACT PERSON  
AND EMAIL ADDRESS

(4) Columbus Southside Area Commission  
c/o Kathy Green  
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 David B. Perry

Sworn to before me and signed in my presence this 7<sup>th</sup> day of August, in the year 2024

(6) SIGNATURE OF NOTARY PUBLIC MaryAlice Wolf

Notary Seal Here  
My Commission Expires \_\_\_\_\_



MaryAlice Wolf  
Notary Public, State of Ohio  
My Commission Expires:  
October 24, 2028

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

**Exhibit A, Public Notice List**  
**42 West Jenkins Avenue**  
**CV24- 106**  
**August 7, 2024**

**APPLICANT:**

Community Housing Network  
c/o Dave Perry, Agent  
David Perry Company, Inc.  
411 East Town Street, Floor 1  
Columbus, OH 43215

**PROPERTY OWNER:**

Community Development for All People  
c/o Brittany L.B. Eddy  
946 Parsons Avenue  
Columbus, OH 43206

**ATTORNEY FOR APPLICANT:**

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

**COMMUNITY GROUP:**

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

**SURROUNDING PROPERTY OWNERS WITHIN 125 FEET**

Liggett LP  
P.O. Box 20064  
Columbus, OH 43220

Edward D., Diane C. Schirtzinger  
(or current occupant)  
4185 Schirtzinger Road  
Hilliard, OH 43026

CHN Central, LLC  
1680 Watermark Drive  
Columbus, OH 43215

Brosh Properties, LLC  
1710 South High Street  
Columbus, OH 43207

Timothy Sayer  
Yelena Rakhmistrovskaya  
(or current occupant)  
1655 Franklin Park South  
Columbus, OH 43205

Votomsky Properties, LLC  
3744 Braidwood Drive  
Hilliard, OH 43026

Bash 3, LLC  
860 Havendale Drive  
Columbus, OH 43220

J-Zap Property Management, LLC  
1410 East 17<sup>th</sup> Avenue  
Columbus, OH 43211

Anastasia G. Sauter, Tr.  
(or current occupant)  
599 Lummisford Lane North  
Columbus, OH 43214

Anastasia G. Sauter, Tr.  
(or current occupant)  
1371 Darcann Drive  
Columbus, OH 43220

1409 High, LLC  
49 Parsons Avenue  
Columbus, OH 43215

Gregory, Anna M. DeGraw  
(or current occupant)  
6003 Farmcreek Court  
Hilliard, OH 43026

Jenkins Street Lofts Limited Partnership  
500 South Front Street, 10<sup>th</sup> Floor  
Columbus, OH 43215

Pennsylvania Lines, LLC  
110 Franklin Road SE  
Roanoke, VA 24042

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

Jack Watkins  
P.O. Box 28633  
Columbus, OH 43228

Community Housing Network  
c/o Laurie Sutherland  
1680 Watermark Drive  
Columbus, OH 43215

DEPARTMENT OF BUILDING  
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**PROJECT DISCLOSURE STATEMENT**

APPLICATION #: CV24-106

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.

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, OH 43215

deposes and states that ~~they are~~ <sup>he is</sup> 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:

For Example:      Name of Business or individual  
                            Contact name and number  
                            Business or individual's address; City, State, Zip Code  
                            Number of Columbus-based employees

<p>1. Community Housing Network; 1680 Watermark Drive, Columbus, OH 43215 Number of Columbus-based employees: 114 Contact: Laurie Sutherland, (614) 906-3418</p>	<p>2. Community Development for All People; 946 Parsons Avenue, Columbus, OH 43206 Number of Columbus-based employees: 49 Contact: Brittany L.B. Eddy, (614) 445-7342, ext. 104</p>
<p>3. _____</p>	<p>4. _____</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 9<sup>th</sup> day of August, in the year 2024

MaryAlice Wolf  
SIGNATURE OF NOTARY PUBLIC

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

Notary Seal Here



MaryAlice Wolf  
Notary Public, State of Ohio  
My Commission Expires:  
October 24, 2028

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

**CV24- 106**  
**42 West Jenkins Avenue**  
**Legal Description, 1.61 +/- ac**

Parcel I (010-049236-00):

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being all of Lot Numbers Thirteen (13), Fourteen (14), Fifteen (15), Sixteen (16), Seventeen (17), Eighteen (18) and the south one-half of Lot Number Twelve (12) of Joseph Sauer's Addition to the City of Columbus, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 84, Recorder's Office, Franklin County, Ohio, excepting therefrom 40 feet off of the east end of the said lots.

Parcel II (010-227797-00):

Situated in the State of Ohio, County of Franklin, City of Columbus and being a part of South Front Street as shown on the recorded plat of Joseph Sauer's Subdivision, Plat Book 5, Page 84 and being all of South Front Street 50' wide beginning at the North line of Jenkins Avenue 30' wide and terminating at a point 15.50' North of the North line of Lot 12 of said Joseph's Sauer's Subdivision and containing 9710.25 square feet more or less.

Excepting therefrom the following described premises:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being all of South Front Street 50' wide;

Beginning at a point 15.50' North of the South line of Lot 12 as shown on the recorded subdivision plat of Joseph Sauer's Subdivision, Plat Book 5, Page 84, and terminating at a point 15.50' North of the North line of the said Lot 12, and containing 0.036 acres, more or less.

Parcel III (010-010088-00; 010-010089-00; 010-010090-00; 010-010091-00; 010-010092-00; 010-010093-00; 010-010094-00; 010-010095-00; 010-010096-00; 010-010097-00):

Situated in the County of Franklin, State of Ohio and City of Columbus:

Being Lots Numbered 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Joseph Sauer's Subdivision, as the same are designated and delineated on the recorded plat thereof, of record in Plat Book 5, Page 84, Recorder's Office, Franklin County, Ohio.

# Council Variance Application

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## STATEMENT OF HARDSHIP

### **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.

**The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:**

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

Yes  No

Applicant proposes to build a 3 story 60 dwelling unit building with 20 parking spaces. Applicant has along history of building supportive housing with reduced parking in Columbus. Current zoning permits a story apartment apartment building and 60 DU. This application will allow reduced parking.

2. Whether the variance is substantial.

Yes  No

Reduced parking has been supported by the City of Columbus on all previous applicant projects due to the population served and 30 year commitment. Given the population to be served, the variance isn't substantial.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

Yes  No

The essential character of the neighborhood won't be altered nor will adjoining properties suffer a detriment. Multi-family use is permitted by curent zoning. This application will permit a different site plan with reduced parking.

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4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).

Yes  No

There will be no effect on the delivery of government services.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

Yes  No

The applicant (Community Housing Network) hasn't purchased the property. Current zoning permits multi-family use. This application merely proposes a different site plan with less parking than the site plans referenced in CV22-081/Ordinance 3344-2024.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

Yes  No

There is no alternative other than a variance to reduce parking.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

Yes  No

The spirit and intent of the zoning requirement is maintained with the proposed variance. The multi-family use is permitted. By this new variance application, applicant merely proposes to reduce required parking. The project is consistent with providing affordable housing.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

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):

The site is zoned AR-2. Multi-family use is permitted, Variance ordinance (CV22-081/Ord 3344-2022) provides certain variances including reduction of code required parking. Applicant has along history of building supportive residential multi-family housing with reduced parking. By this application, applicant proposes a 3 story 60 DU apartment building with parking reduced to 20 spaces. Ordinance 3344-2022 should be repealed in conjunction with this ordinance.

See Exhibit B, page 3.

Signature of Applicant

Community Housing Network by [Signature]

Date 08/27/2024

Signature of Attorney:

Donald Plank

Date 08/27/2024

**CV24- 106**

**42 W Jenkins Avenue, Columbus, OH 43207**

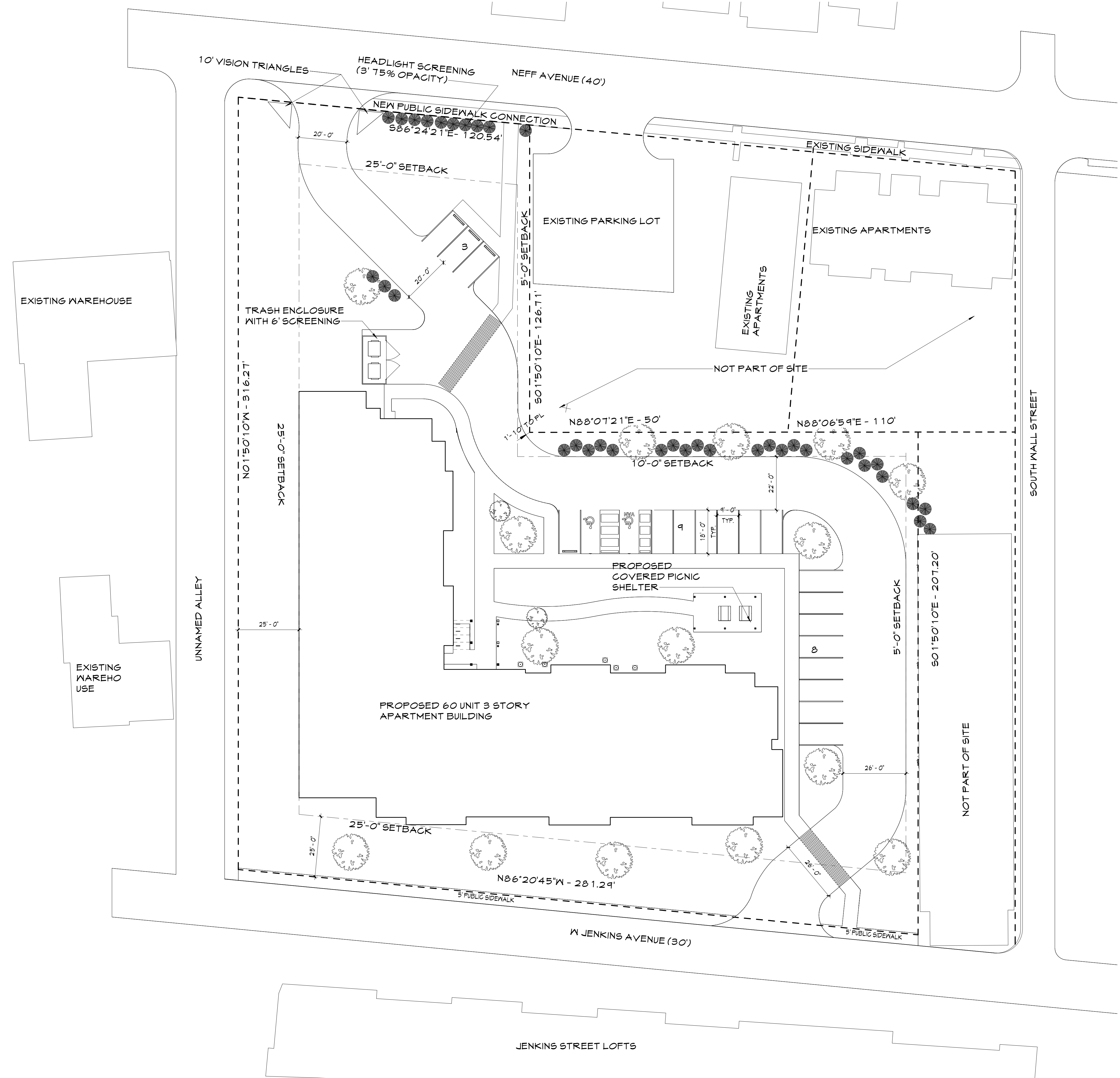
**Exhibit B (page 3)**

**Variances (08/27/2024):**

1). Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit and 90 spaces for 60 apartment units, while the applicant proposes 20 parking spaces.

2). Section 3333.16, Fronting, requires each principle building to front on a public street, while the applicant proposes an apartment building to front on W Jenkins Avenue (30')., which is classified as an alley in the Zoning Code because there is less than 35' of right of way.

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**GENERAL ZONING INFORMATION:**  
 ADDRESS: 42 WEST JENKINS AVE  
 PARCEL NUMBER: 010-049236  
 EXISTING ZONING CLASSIFICATION/DISTRICT: AR-2  
 PROPOSED ZONING CLASSIFICATION/DISTRICT: AR-2  
 HEIGHT DISTRICT: H-60  
 TOTAL SITE AREA: 1.61 AC +/- 70,000 SF +/-

**GENERAL PROJECT INFORMATION:**  
 BUILDING USE: MULTI-FAMILY  
 BUILDING GROSS AREA: 53,817 SF  
 RESIDENTIAL GROSS AREA: 38,854 SF  
 NUMBER OF DWELLING UNITS (RESIDENTIAL ONLY): 60  
 PARKING SPACES: 20

**PARKING CALCULATION:**  
 REQUIRED RESIDENTIAL PARKING (1.5 PER UNIT): 90  
 PROPOSED RESIDENTIAL PARKING: 20  
 PROPOSED ADA PARKING (VAN/TOTAL): 2

**BICYCLE PARKING CALCULATION:**  
 BICYCLE PARKING REQUIRED (1 SPACE PER 20 VEHICULAR SPACES / MAX. 20): tbd  
 PROPOSED BICYCLE PARKING: tbd

**SHADE TREE CALCULATION:**  
 DWELLING UNIT SHADE TREES REQUIREMENTS (1 PER 10 DWELLING UNITS): 6  
 DWELLING UNIT SHADE TREES PROVIDED: 6

**SCIOTO RISE PLACE**  
 42 WEST JENKINS AVE,  
 COLUMBUS, OH 43207

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 BERARDI + PARTNERS, LLC.  
 ARCHITECTS AND ENGINEERS  
 ALL RIGHTS RESERVED

THE ARRANGEMENTS DEPICTED HEREIN ARE THE SOLE PROPERTY OF BERARDI + PARTNERS, LLC. ARCHITECTS AND ENGINEERS, AND MAY NOT BE REPRODUCED WITHOUT ITS WRITTEN PERMISSION

**NOTE:**  
 1. ALL BIDDERS SHALL VISIT THE SITE AND BECOME FAMILIAR WITH THE EXISTING CONDITIONS AND REQUIREMENTS OF THE PROJECT AND SHALL NOTIFY THE ARCHITECT OF ANY ERRORS AND OMISSIONS SUBSEQUENTLY DISCOVERED IN THE CONTRACT DOCUMENTS.  
 2. THE CONTRACT DOCUMENTS ARE COMPRISED OF THE DRAWINGS AND THE PROJECT MANUAL IN THEIR ENTIRETY. THE INFORMATION IN THESE DOCUMENTS IS DEPENDENT UPON AND COMPLEMENTARY OF EACH OTHER.  
 3. SEPARATION OF THE CONTRACT DOCUMENTS SHALL NOT BE PERMITTED. IF THE CONTRACTOR CHOOSES TO SEPARATE THE DOCUMENTS, THEY DO SO AT THEIR OWN RISK AND EXPENSE.  
 4. ADDITIONALLY, SEE GENERAL INFORMATION ON "S" SHEETS.  
 5. THE CLIENT ACKNOWLEDGES THE CONSULTANTS (ARCHITECT) DRAWINGS AND SPECIFICATION INCLUDING ALL DOCUMENTS ON ELECTRONIC MEDIA AS INSTRUMENTS OF THE CONSULTANTS (ARCHITECT) PROFESSIONAL SERVICE. THE CLIENT SHALL NOT REUSE OR MAKE OR PERMIT TO BE MADE ANY MODIFICATION TO THE DRAWINGS AND SPECIFICATIONS WITHOUT THE PRIOR WRITTEN AUTHORIZATION OF THE CONSULTANT (ARCHITECT). THE CLIENT AGREES TO MAKE ANY CLAIM AGAINST THE CONSULTANT (ARCHITECT) ARISING FROM ANY UNAUTHORIZED TRANSFER, REUSE OR MODIFICATION OF THE DRAWINGS AND SPECIFICATIONS.  
 6. ARCHITECT CANNOT WARRANT THE ACCURACY OF DATA CONTAINED HEREIN. ANY USE OR REUSE OF ORIGINAL OR ALTERED CAD/D DESIGN MATERIALS BY THE USER OR OTHER PARTIES WITHOUT THE REVIEW AND WRITTEN APPROVAL OF THE ARCHITECT SHALL BE AT THE SOLE RISK OF THE USER. FURTHERMORE, USER AGREES TO DEFEND, INDEMNIFY, AND HOLD ARCHITECT HARMLESS FROM ALL CLAIMS, INJURIES, DAMAGES, LOSSES, EXPENSES, AND ATTORNEY'S FEES ARISING OUT OF THE MODIFICATION OR REUSE OF THESE MATERIALS.  
 7. THESE DRAWINGS AS PART OF THE CONTRACT DOCUMENTS ARE DIAGRAMMATIC AND ARE NOT INTENDED TO DEFINE EXACT QUANTITIES, LOCATIONS OR CODIFIED REQUIREMENTS. THE DRAWINGS SHALL NOT BE SCALED. EXACT STATE AND LOCAL CODE REQUIREMENTS AND OTHER APPLICABLE CODE REQUIREMENTS SHALL BE VERIFIED BY AND ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. ANY INFORMATION WHICH DIRECTLY CONFLICTS WITH ANY OF THESE CODES OR ANY DISCREPANCIES FOUND IN THE CONTRACT DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE PROJECT ARCHITECT.

**SCHEMATIC PHASE**

PROJECT DATE: 08.27.2024  
 PROJECT #: 23190

#	Description	Date

**ZONING SITE PLAN**

**AS.100**

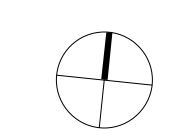
NOT FOR CONSTRUCTION

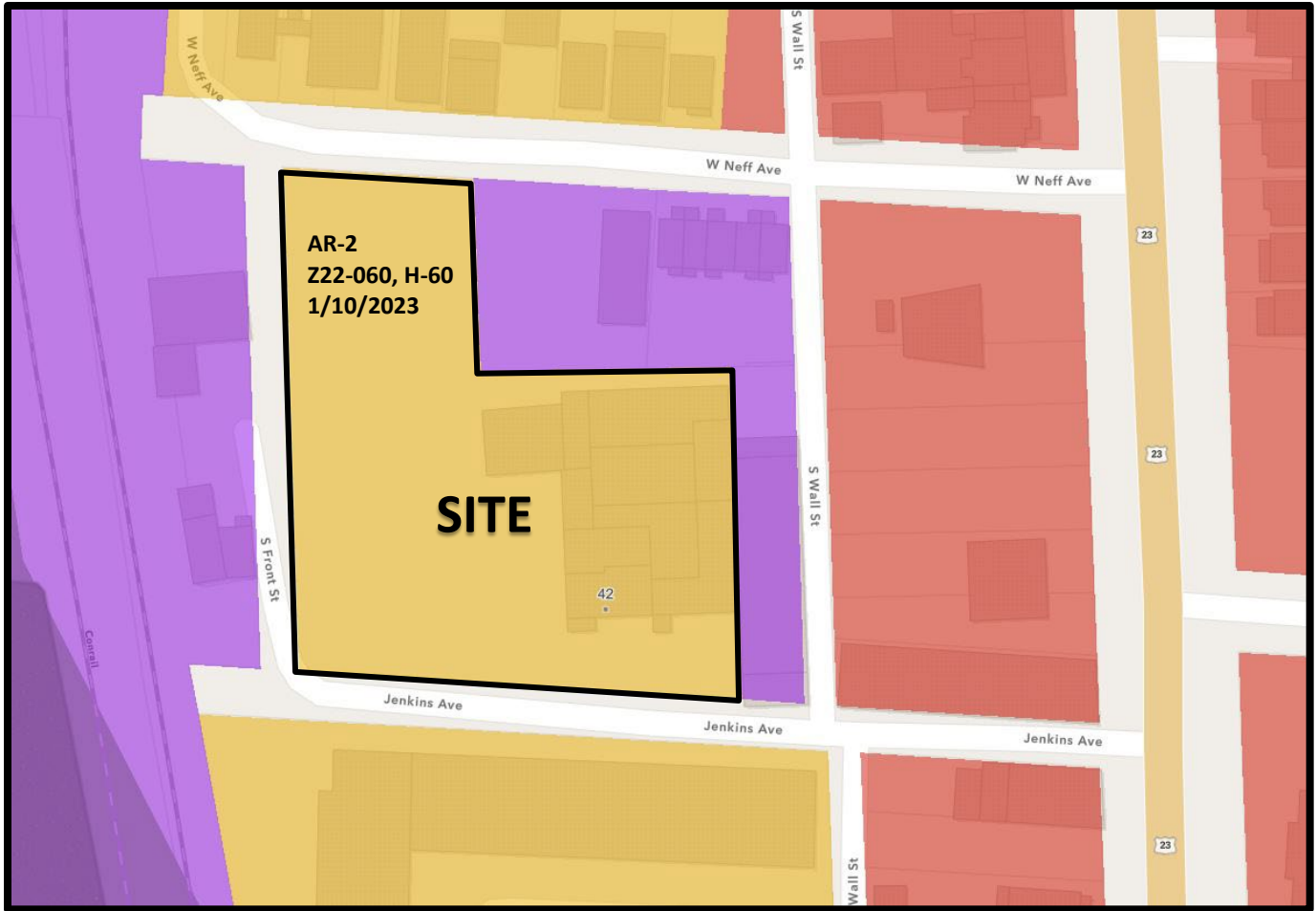
CV24- 106

**BERARDI+**  
 ARCHITECTURE | INTERIOR DESIGN | ENGINEERING  
 1398 GOODALE BOULEVARD, COLUMBUS, OHIO 43212  
 P 614.221.1110 berardipartners.com

zoning site plan

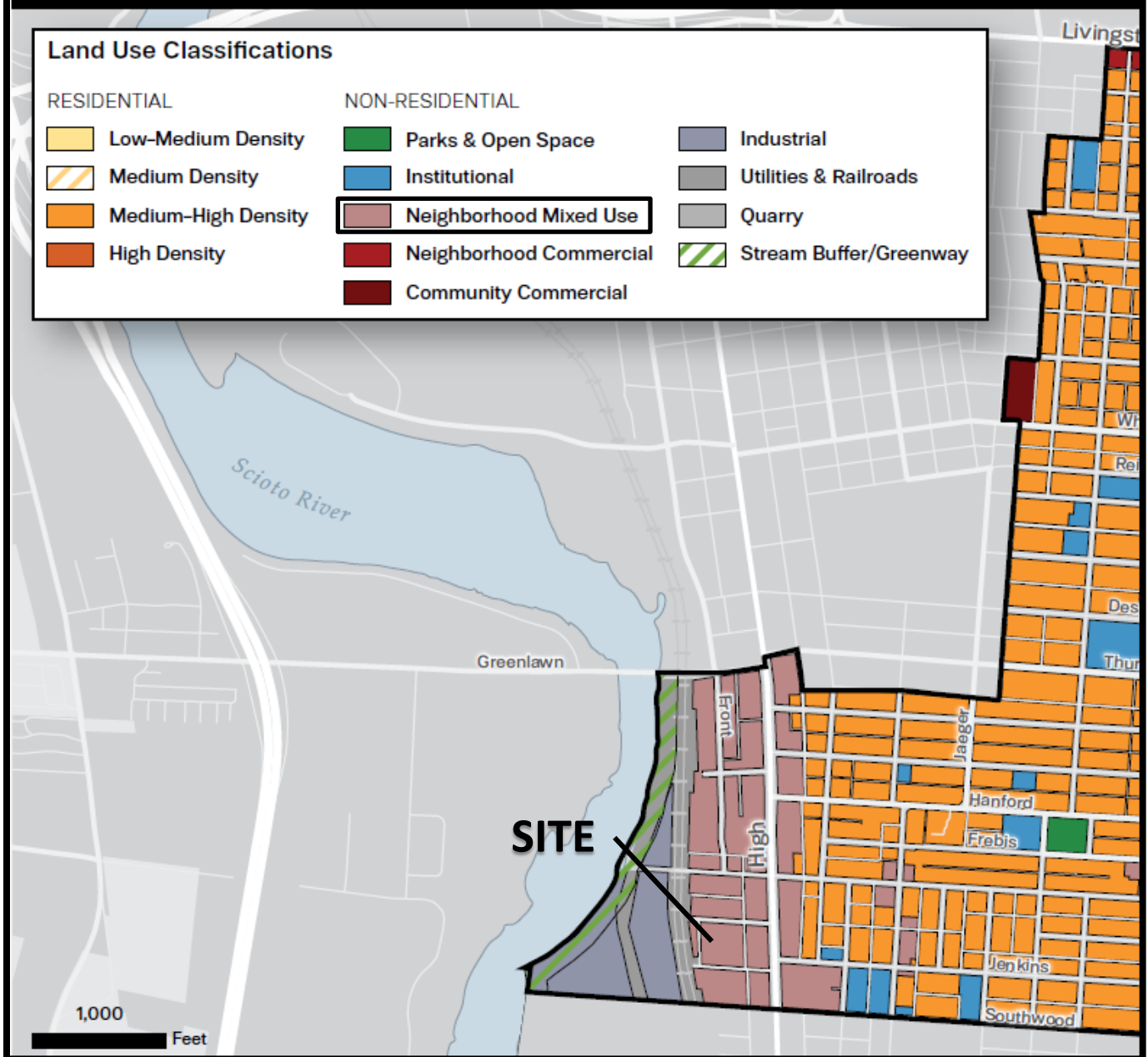
1" = 20'-0"





CV24-106  
42 West Jenkins Ave.  
Approximately 1.61 acres

# FIGURE 9: FUTURE LAND USE PLAN: QUADRANT 1



CV24-106  
42 West Jenkins Ave.  
Approximately 1.61 acres



CV24-106  
42 West Jenkins Ave.  
Approximately 1.61 acres