

Council Variance Application

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

OFFICE USE ONLY

Application Number: CV16-005 Date Received: 1/6/16
Application Accepted by: MM, TD Fee: \$320
Comments: Assigned to Michael Maret; (614)645-2749; mjmaret@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 593 City Park Avenue, Columbus, Ohio Zip: 43215

Is this application being annexed into the City of Columbus? Select one: ☐ YES ☒ NO

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: 010-033330

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

Current Zoning District(s): R-2F

Area Commission or Civic Association: German Village Historic Commission

Proposed Use or reason for Council Variance request:

Applicant requests the Council Variance so that the Site's existing use may become compliant and allow the Applicant to maintain or develop the Site.

Acreage: _____

.07 acres

APPLICANT:

Name: Smith Kids LLC Phone Number: 614.464.1626 Ext.: _____

Address: 929 Harrison Avenue, Suite 300 City/State: Columbus, Ohio Zip: 43215

Email Address: lsmith@leesmithlaw.com Fax Number: _____

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

Name: Smith Kids LLC Phone Number: 614.464.1626 Ext.: _____

Address: 929 Harrison Avenue, Suite 300 City/State: Columbus, Ohio Zip: 43215

Email Address: lsmith@leesmithlaw.com Fax Number: _____

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

Name: Michael Shannon, Esq. Phone Number: 614-229-4506 Ext.: _____

Address: 500 South Front Street, Suite 1200 City/State: Columbus, Ohio Zip: 43215

Email Address: mshannon@cbjlawhers.com Fax Number: 614.229.4559

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

APPLICANT SIGNATURE by Michael Shannon

PROPERTY OWNER SIGNATURE by Michael Shannon

ATTORNEY / AGENT SIGNATURE Michael Shannon

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

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CV16-005

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.

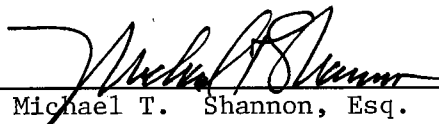
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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.

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 requested as detailed below:

Please find attached.

Signature of Applicant


Michael T. Shannon, Esq.

Date

1/5/16

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STATEMENT OF HARDSHIP

CV16-005

PROPERTY ADDRESS: 593 City Park Avenue, Columbus, Ohio 43215

APPLICANT: Smith Kids LLC, c/o
Michael T. Shannon, Esq.
CRABBE, BROWN & JAMES, LLP
500 South Front Street, Suite 1200
Columbus, Ohio 43215
mshannon@cbjlawyers.com

DATE OF TEXT: December 22, 2015

The Site (PID: 010-033330) is located at 593 City Park Avenue. Specifically, the Site is located on the north-west corner of the intersection of City Park Avenue and East Willow Street. The Site is located within the German Village Historic District. The Site is not subject to a commercial overlay, graphic commission, area commission, or planning overlay. The Site is currently used as a three-family dwelling.

The Site and all surrounding parcels are under the R-2F zoning classification. The Site shall utilize the R-4 development standards because the R-F2 development standards do not contemplate three-family dwellings.

Applicant requests the following variances so that the Site's existing use may become compliant and allow the Applicant to maintain or develop the Site:

1. 3332.037 – R-2F Residential District Permitted Uses – The R-2F residential district does not permit three-family dwellings. Applicant requests a variance to allow a three-family dwelling.
2. 3332.05(A)(4) – Area District Lot Width Requirements – No buildings shall be erected or altered on a lot with a width measured at the front line of no less than 50 feet in an R-4 district. Applicant requests a variance to allow buildings to be erected or altered on a lot with a minimum width of 31.25 feet.
3. 3332.21(D) – Building Lines – In the R-4 residential district the minimum building line is ten feet. Applicant requests a variance to allow a minimum building line of zero feet from City Park Avenue.
4. 3321.05(B) – Vision Clearance – Property owners shall maintain ten feet of unobstructed vision clearance at the intersections of streets and alleys. Applicant requests a variance to allow zero feet of vision clearance at the intersection of City Park Avenue and East Willow Street.
5. 3332.25 – Maximum Side Yards Required – The sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot (6.25 feet) but not more than 16 feet. Applicant requests a variance to allow a maximum side yard of 16.25 feet.

6. 3332.26 – Minimum Side Yard Requirement – The minimum side yard in an R-4 district on a lot 40 feet wide or less is three feet. Applicant requests a variance to allow a minimum side yard of zero feet on the north side of the Site.
7. 3312.49(C) – Parking Requirements for Residential Uses – The minimum vehicle parking spaces for residential uses with three dwelling units is two parking spaces per unit. Applicant requests a variance to allow two parking spaces.
8. 3312.43 – Required Surface for Parking – The surface of any parking area shall be an approved hard surface other than gravel or loose fill. Applicant requests a variance to allow a gravel parking surface.

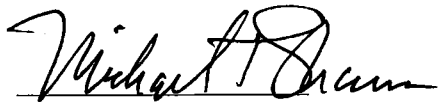
A hardship exists in that the R-2F Residential Zoning District does not permit a three-family dwelling. The requested use variance is necessary because the Applicant has no other means to develop or maintain the Site and cannot conform to the underlying zoning district established by the City's Zoning Code. The proposed variance will not adversely affect the surrounding property or surrounding neighborhood. Accordingly, the requested use variance from the R-2F zoning classification will alleviate a hardship.

Additionally, a practical difficulty exists because the Applicant cannot meet the underlying development standards required by the City's Zoning Code. Accordingly, the above development standard variances are necessary in order for the Applicant to maintain the three-family dwelling.

The requested variances will not impair an adequate supply of light or 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.

For the reasons stated above, Applicant respectfully requests approval of the requested variances.

Respectfully submitted,



Michael T. Shannon, Esq.

Attorney for Applicant

Council Variance Application

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Phone: 614-645-7433 • www.bzs.columbus.gov

AFFIDAVIT (See instruction sheet)

Application Number: CV16-005

STATE OF OHIO

COUNTY OF FRANKLIN

Michael T. Shannon

Being first duly cautioned and sworn (1) NAME

of (1) MAILING ADDRESS 500 S. Front St., Ste. 1200, 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 the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 593 City Park Avenue, Columbus, Ohio 43215

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) _____

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Smith Kids LLC
929 Harrison Avenue, Suite 300
Columbus, Ohio 43215

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

Smith Kids LLC
614.464.1626

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

(5) German Village Historic Commission
Randy Black
50 W. Gay St., 4th Floor, Columbus, Ohio 43215

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)

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

(8) SIGNATURE OF AFFIANT

Michael T. Shannon
Michael T. Shannon

Sworn to before me and signed in my presence this 5th day of January, in the year 2016

(8) SIGNATURE OF NOTARY PUBLIC

Carol A. Stewart

My Commission Expires

CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2019

Notary Seal Here

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

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Harris Wood
572 City Park Avenue
Columbus, Ohio 43215

Susan Brown Trustee
336 2nd Avenue N.
Naples, FLA 34012

B.J. Lowery
580-582 City Park Avenue
Columbus, Ohio 43215

Charles & Anna Lee Gordon
584 City Park Avenue
Columbus, Ohio 43215

Meghan Conrad
590 City Park Avenue
Columbus, Ohio 43215

Paul R. Schrader
594 City Park Avenue
Columbus, Ohio 43215

Dan Frye
602 City Park Avenue
Columbus, Ohio 43206

Amandda Tirey
606-608 City Park Avenue
Columbus, Ohio 43206

Timothy Day
Jay Pascoe
Post Office Box 7026
Alexandria, VA 22307

Eileen Campbell
616 City Park Avenue
Columbus, Ohio 43206

Benjamin Hartshorn
Megan Chambers
615 City Park Avenue
Columbus, Ohio 43206

Karli Goodwin
609 City Park Avenue
Columbus, Ohio 43206

JKD Properties, LLC
607 City Park Avenue
Columbus, Ohio 43206

Pearl Willow Limited
2435 Zuber Road
Orient, Ohio 43146

Graham Rental Properties, LLC
601 City Park Avenue
Apt. 2
Columbus, Ohio 43206

Smith Kids, LLC
593 City Park Avenue
Columbus, Ohio 43215

Vanessa Carpenter
Amy Hamm
587-589 City Park Avenue
Columbus, Ohio 43215

Thomas Lamb, Trustee
7283 U.S. Highway 22E
Circleville, Ohio 43113

Westinghouse Apts, LLC
7599 N. Goodrich Square
New Albany, Ohio 43054

Jennifer Cordle
Martha Phillips
43 E. Beck Street
Columbus, Ohio 43215

David & Alison Randall
39 E. Beck Street
Columbus, Ohio 43215

Samantha King
Michael Emery
31 E. Beck Street
Columbus, Ohio 43215

Christopher Minnillo
1000 Urlin Ave
Apt. 1005
Columbus, Ohio 43212

Geneva Hensel
590 S. Pearl Street
Columbus, Ohio 43215

Dana Bromberg
594 S. Pearl Street
Columbus, Ohio 43206

Stephanie Chimiel
610 S. Pearl Street
Columbus, Ohio 43206

Shirley Bartee
614 S. Pearl Street
Columbus, Ohio 43206

Esmeralda, LLC
616 S. Pearl Street
Columbus, Ohio 43206

580 South High Co., LTD
580 S. High Street
Columbus, Ohio 43215

The Huntington National Bank
Bank Property Division
Post Office Box 182334
Columbus, Ohio 43218-2334

Joshua & Kelly Westhoven
6079 Tulip Hill Road
Columbus, Ohio 43235

APPLICANT**PROPERTY OWNER****ATTORNEY**

Smith Kids, LLC
Attn: Lee Smith
929 Harrison Avenue, Ste. 300
Columbus, Ohio 43215

Smith Kids, LLC
Attn: Lee Smith
929 Harrison Avenue, Ste. 300
Columbus, Ohio 43215

Michael T. Shannon, Esq.
500 S. Front Street
Ste. 1200
Columbus, Ohio 43215

AREA COMMISSION

German Village Historic Commission
Attn: Randy Black
50 W. Gay Street
4th Floor
Columbus, Ohio 43215



City of Columbus Zoning Plat

CV16-005



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: 010033330

Zoning Number: 593

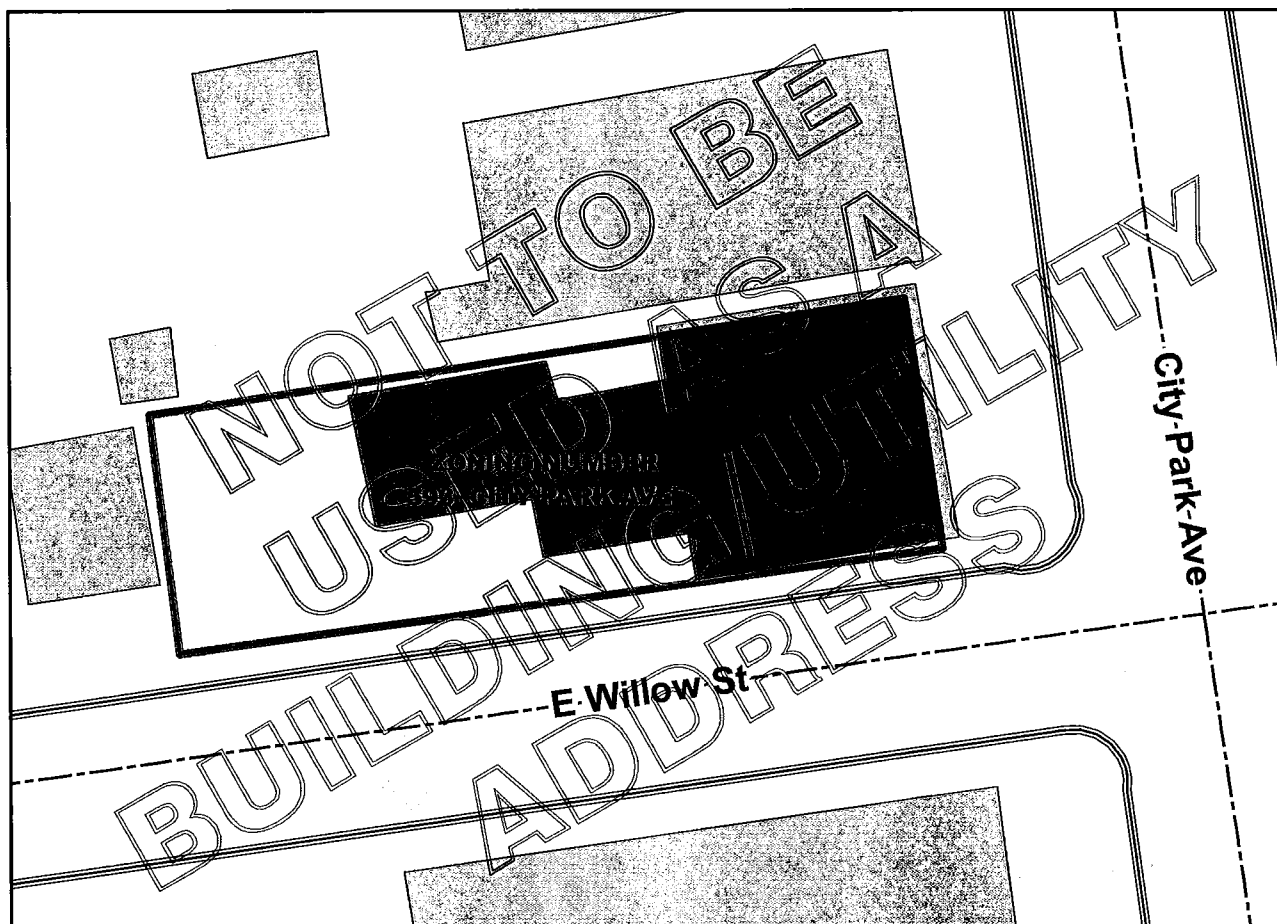
Street Name: CITY PARK AVE

Lot Number: N/A

Subdivision: N/A

Requested By: CRABBE, BROWN, & JAMES, LLP

Issued By: *Adriana Williams* Date: 11/25/2015



JAMES D. YOUNG, P.E., ADMINISTRATOR
DIVISION OF INFRASTRUCTURE MANAGEMENT
COLUMBUS, OHIO

SCALE: 1 inch = 25 feet

GIS FILE NUMBER: 50365

CV16-005

533 City Park Avenue
PID: 010-033330-00

Legal Description of Property

Situated in the State of Ohio, County of Franklin, City of Columbus. Being at the northwest corner of the intersection of Willow Street and City Park Avenue. Consisting of 0.072 acres.

Being 100 feet off the east end of the following described property:

Being 31.25 feet off the south end of Block No. Fourteen (14) of McGowan's Addition, to said City of Columbus, as the same is numbered and delineated upon the plat thereof, of record in Deed Book G, Page 70, Recorder's Office, Franklin County, Ohio (Destroyed by fire).

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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 # CV16-665

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Michael T. Shannon
of (COMPLETE ADDRESS) 500 S. Front St., Ste. 1200, 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
Business or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. Smith Kids LLC 929 Harrison Avenue, Suite 300 Columbus, Ohio 43215 Lee Smith (614.464.1626)	2.
3.	4.

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

SIGNATURE OF AFFIANT

Michael T. Shannon
Michael T. Shannon, Esq.

Sworn to before me and signed in my presence this 5th day of January, in the year 2016

SIGNATURE OF NOTARY PUBLIC

Carol A. Stewart

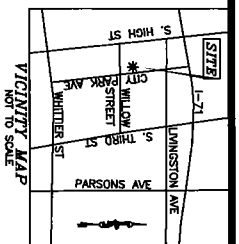
Notary Seal Here

My Commission Expires

CAROL A. STEWART
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 06/28/2019

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

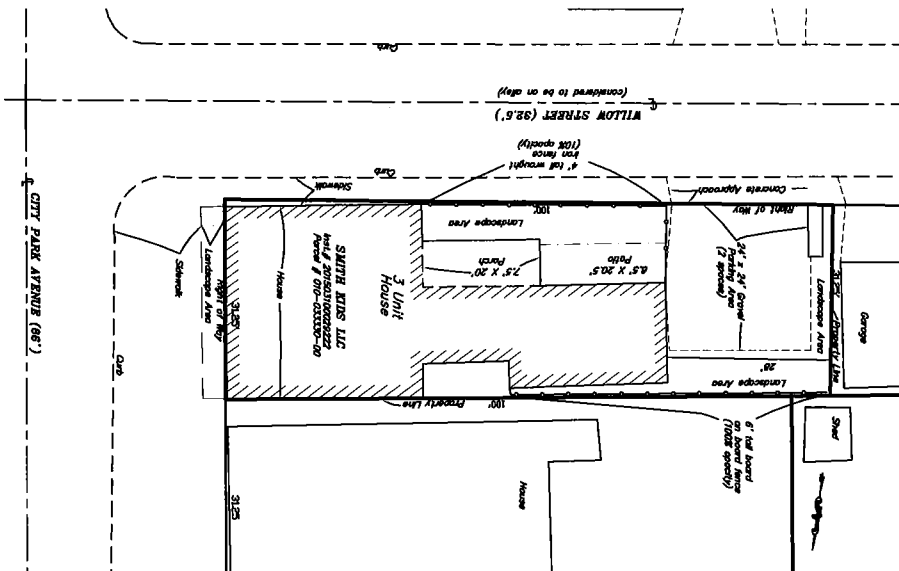
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VICINITY MAP
NOT TO SCALE

REQUESTED COUNCIL VARIANCES:

ZONING CODE CHAPTER	EXISTING ZONING/CONDITION	PROPOSED ZONING/CONDITION VARIANCE
1) Zoning Code 3332.037, Variance to Use	R-2F Residential	R-4 Residential, Zoning Code 3332.039
2) Zoning Code 3332.05, minimum lot width	31.25' (50' minimum for R-4)	31.25' lot width
3) Zoning Code 3332.21D, minimum building setback from City Park Avenue	0' existing setback (10' minimum per code)	0' building setback from City Park Avenue
4) Zoning Code 3321.05 B1, minimum Vision Clearance Triangle	0' existing vision clearance triangle (10' by 10' minimum per code)	0' vision clearance triangle
5) Zoning Code 3332.25, Maximum Side Yard	15.25' this is for half of Willow Street Right of Way, Willow Street considered on alley (15.0' maximum per code)	15.25' this is for half of Willow Street Right of Way, Willow Street considered on alley
6) Zoning Code 3332.26, Minimum Side Yard	15.25' for south side/Willow Street Right of Way, 0' for north side (3.0' minimum each side per code)	15.25' for south side/Willow Street Right of Way, 0' for north side
7) Zoning Code 3312.49C, Minimum Number of Parking Spaces	2 Parking Spaces (5 spaces required, 2 spaces per unit)	2 Parking Spaces
8) Zoning Code 3312.43, required Parking Surface	Existing gravel parking area (code requires asphalt or concrete parking area)	Keep existing gravel parking area



FROM MAP # 5 304600200K, EFFECTIVE 8-17-06.
ZONE X-A AREAS DETERMINED TO BE OUTSIDE THE
0.25 ANNUAL CHANCE FLOODPLAIN.

LEGAL DESCRIPTION OF PROPERTY:
SITUATED IN THE STATE OF OHIO, COUNTY OF
FRANKLIN, CITY OF COLUMBUS,
BEING 100 FEET OFF THE EAST END OF THE
FOLLOWING DESCRIBED PROPERTY:
BEING 31.25 FEET OF THE SOUTH END OF BLACK
HAWK ROAD, BEING 100 FEET OF THE SOUTH
END OF COLUMBUS, AS THE SAME IS NUMBERED
AND DELINEATED UPON THE PLAT THEREOF, OR
RECORDS OF THE PUBLIC RECORDS OF THE
OFFICE OF THE PUBLIC RECORDS, FRANKLIN COUNTY, OHIO (DESCRIPTED BY
REC).

CITY OF COLUMBUS, FRANKLIN COUNTY, OHIO
SITE PLAN FOR COUNCIL VARIANCES
FOR
658 CITY PARK AVENUE
PID: 010-088890-00
FOR
CONSIDERATION BY THE CITY COUNCIL
DATE: 10/12/06
PREPARED BY:
FRANKLIN COUNTY ENGINEERS & SURVEYORS, INC.
1000 N. HIGHWAY 100, SUITE 100
COLUMBUS, OHIO 43219
TEL: (614) 292-4841
FAX: (614) 292-4841
WWW.FCSURV.COM

CV16-665



CV16-005
593 City Park Avenue
Approximately .07 Acres



CV16-005
593 City Park Avenue
Approximately .07 Acres