

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: CV16-051	on Number: <u>CV16-051</u> Date Received: <u>8/2/2016</u>	
Application Number: CV16-051 Application Accepted by: MM + JB Comments: Assigned to Michael Maret; mymare+@column	Fee: \$2,080	
Comments: Assigned to Michael Maret; mimare+@column		5-2749
9		
LOCATION AND ZONING REQUEST:		433 500
Certified Address (for zoning purposes only): 587 LEMAN STREET	×	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 adoption of the annexation petition. Parcel Number for Certified Address: 010-0+5105 Check here if listing additional parcel numbers on a separate page.	n of County Commiss	ioner's
Current Zoning District(s): AR-3	1	
Area Commission or Civic Association: South SIDE AREA COMMISS	104	
Proposed Use or reason for Councial Variance request:		
SEE ATTACHED Acreage: 3.044		
APPLICANT:		
Name: LEFF MAY Phone Number: 61	4-582-1992	_Ext.:
Address: P.O. Box 247 City/State: Lance	- VINCHESTER	Zip: <u>43110</u>
Email Address: Fax Number	per:	
PROPERTY OWNER(S)	parate page	
Name: JMM REAL ESTATE INVESTMENTS, IUC Phone Number: 610		_Ext.:
Address: 4639 V. Broad St. City/State: Col	2	
Email Address: JEFFC BOBBAUTO. COM Fax Numb	oer:	a
ATTORNEY / AGENT (Check one if applicable): Attorney Agent		
Name: Mayar j fais Thos, A.A. Phone Number: 64	4-284-8888	_Ext.:
Address: 4740 REED RD, SUITE 201 City/State: Varen	ARLIUGTON, 04	_Zip: <u>4322</u>
Email Address: MINAUSTROSE NEW-AVENUE. NET Fax Number	ber: <u>614-884-</u> B	148
SIGNATURES (All signatures must be provided and signed in blue ink)		
APPLICANT SIGNATURE		
PROPERTY OWNER SIGNATURE JMM REAL ESTATE T	NUE STMENTS,	INC.
ATTORNEY / AGENT SIGNATURE	· · · · · · · · · · · · · · · · · · ·	
My signature attests to the fact that the attached application package is complete and accurate to the bearing staff review of this application is dependent upon the accuracy of the information provided and the provided by me/my firm/etc. may delay the review of this application.	est of my knowledge. I unde at any inaccurate or inadeq	erstand that the uate information

THE CITY OF COLUMBUS ANDREW J. GINTHER, MAYOR DEPARTMENT OF BUILDING AND ZONING SERVICES

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CV16-051

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 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.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code

ntains the necessary hardship, will not adversely affect surrounding property owners and will comply variance requested as detailed below:					
SEE ATTACHED	" REVISED	COUNCIL	VANIANCE	REQUEST	5 "
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nature of Applicant	W/lad	,	4	Date_	18/02/201
					/ /

The Arbor Apartments

Revised Council Variance Requests

August 2, 2016

This Council Variance is requested for the following items:

1. Commercial Access to Property - Section 3333.03

The current building design allows for Jackson Street to continue from the west side of the building, under the bridge, and connect to Lehman Street and the neighboring access road for CVS and the Fitness Lofts building. Section 3333.03 prohibits this commercial access being located on residentially zoned property. However, this connection was provided through the subject property in an effort as to not block the connection from the residential area to the commercial areas near Livingston and Parsons, which was described as being important to both the neighborhood commission (Schumacher Place) and the Area Commission (South Side Area Commission).

2. Landscaping and Screening - Section 3312.21

Section 3312.21 requires one (1) tree per ten (10) parking spaces, which shall be accommodated with a combined total minimum number of twenty-four (24) trees that shall be provided throughout the site and along the street. Six (6) trees would be required for the surface parking spaces being added to the site. The Developer has chosen to name the property "The Arbor", so every effort shall be made to provide the maximum amount of trees around the site.

3. Dumpster location and screening within the perimeter yard - Section 3321.01

While Section 3321.01 requires the dumpster to not be located within and required yard, the current design has the dumpster enclosure located approximately 10 feet from the East property line and fully screened by a masonry wall on three side and hinged access gates on the West side. This requires a variance request of approximately 15 feet into the perimeter yard of 25 feet.

4. Landscaping - Section 3321.07(B)

Section 3321.07(B) requires one (1) tree per ten (10) residential units, which shall be accommodated with a combined total minimum number of twenty-four (24) trees that shall be provided throughout the site and along the street. Seventeen (17) trees would be required based on the proposed number of dwelling units (163).

5. Parking within the perimeter yard - Section 3333.255

Section 3333.255 requires a minimum perimeter yard of 25 feet. However, the urban friendly design of the building creates the need to reduce this distance for driveways, parking, and some accessory structures related to the complex.



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

AFFIDAVIT (See instruction sheet)	Application Number: CV16-051				
STATE OF OHIO					
COUNTY OF FRANKLIN					
Being first duly cautioned and sworn (1) NAME //CHAEL	JAISTROS, A.I.A.				
of (1) MAILING ADDRESS 4740 REED Rol, SUITE	ROI DEPER ANIMOTON, Dy +3220				
deposes and states that (he/she) is the applicant, agent, or duly au	thorized 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					
(2) per ADDRESS CARD FOR PROPERTY 587 LEHM					
for which application for a rezoning, variance, special permit or gr	aphics plan was filed with the Department of Building and				
Zoning Services, on (3)					
(THIS LINE TO BE FII	LED OUT BY CITY STAFF)				
SUBJECT PROPERTY OWNERS NAME (4)	1 REAL ESTATE LUVESTMENTS, LUC.				
AND MAILING ADDRESS 46	39 V. BROAD ST.				
	WMBUS. OH 43228				
APPLICANT'S NAME AND PHONE #	FF MAT				
(same as listed on front application)	-582-1992				
	al en han Canacani				
AREA COMMISSION OR CIVIC GROUP (5)	PUTY SIDE AREA COMMISSION				
AREA COMMISSION ZONING CHAIR	RTIS TAVIS				
OR CONTACT PERSON AND ADDRESS 58	TE MOVER ST. COLUMBUS, A 43201				
	*				
and that the attached document (6) is a list of the ${\bf names}$ and ${\bf cor}$					
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.					
(/) check here it houng additional property of house on a sepa	, 1				
Mart					
(8) SIGNATURE OF AFFIANT					
	y of August, in the year 2016				
Rev Jamara R Smin					
(8) SIGNATURE OF NOTARY PUBLIC	My Control Expires Tamara R. Sines				
Notary Seal Here	Notary Public, State of Ohio My Commission Expires 07/13/2021				
This Affidavit expires six (6) months after the tate of notarization.					

Applicant
Jeff May
P.O. Box 247
Canal Winchester, Ohio 43110

Property Owner
JMM Real Estate Investments, Inc
4639 West Broad Street
Columbus, Ohio 43228-1610

Agent (Architect) Michael j. Maistros, AIA 4740 Reed Road, Suite 201 Upper Arlington, Ohio 43220

Area Commission

Southside Area Commission

Curtis Davis 584 East Moler Street Columbus, Ohio 43207

Surrounding Property Owners

Bushwood Lane, Ltd 219 Frebis Ave Columbus, Ohio 43206 Ohio Providence Investments 7420 Rodebaugh Rd Reynoldsburg, Ohio 43068 Timothy S Shafer 550-52 Beck Street Columbus, Ohio 43206

Miller & Rives Investments PO Box 218241 Columbus, Ohio 43221 Glenn Lewis Gustafson 474 Beck St Columbus, Ohio 43206 Katherine M Covault 508-10 E Beck Street Columbus, Ohio 43206

Mark Wildman 1421D Meadow Rd Columbus, Ohio 43212 Hondros Family Real Estate 4140 Executive Pkwy Westerville, Ohio 43081 Stephanie L Hayward Brandon L Pence 528 Beck St Columbus, Ohio 43206

Chris Macke Derek Kinnear PO Box 6314 Columbus, Ohio 43206

Gary R Phillips 518 E Beck St Columbus, Ohio 43206 Elizabeth A Williams 484 Jackson St Columbus, Ohio 43206

Belinda K Dean 486 Jackson St Columbus, Ohio 43206 Sudhir Dubey 537 South Lane Columbus, Ohio 43206 Tanna L Gilliland 545 South Lane Columbus, Ohio 43206

Rosemarie Keidel 525 S 4th St Columbus, Ohio 43206 Patrice P Hamel 475 Jackson St Columbus, Ohio 43206 Derek Kinnear 512 Jackson St Columbus, Ohio 43206 Richard C Ziebarth 514 E Beck St Columbus, Ohio 43206 Thomas M Frato 522 E Beck St Columbus, Ohio 43206 James T Neace 544-46 Beck Street Columbus, Ohio 43206

Andrew C Trout 502 Jackson St Columbus, Ohio 43206 E-Z Cash Pawn Shop, Inc 3210 E Main St Columbus, Ohio 43215 Linda Scarrett 625 S. Washington Ave Columbus, Ohio 43206

Matthew W Hoffman J Tarver Brian 466 Beck St Columbus, Ohio 43206

Bruce A Coates 498-500 E Beck St Columbus, Ohio 43206 Alice Schilliger Charles Shilliger 502 E Beck St Columbus, Ohio 43206

John P Defelice 494 Jackson St Columbus, Ohio 43206 Cynthia Meeks Puckett 709 S 5th St Columbus, Ohio 43206 Terrance L Drennen Betty J Drennen 3152 Scioto Trace Columbus, Ohio 43221

Bruce A Coates 494 E Beck St Columbus, Ohio 43206 Howard B Zeldin Marcie T Zeldin 635 Pincay Pl Columbus, Ohio 43230

Chad J Willett 473 Jackson St Columbus, Ohio 43206

Virginia Fahys Jeffrey Eisenman 488 Beck St Columbus, Ohio 43206

Arfan Midani 6143 Dublin Rd Dublin, Ohio 43017 Livingston 505, LLC PO Box 460389 Houston, TX 77056

John B Elden 498 Jackson St Columbus, Ohio 43206 Timothy G Schirmer 478 Jackson St Columbus, Ohio 43206 Alison L Albrecht 480 Jackson St Columbus, Ohio 43206

Shirley J Laudermilt 462 E Beck St Columbus, Ohio 43206 Geldis Properties, LLC 2703 Sherwood Road Columbus, Ohio 43209 Lorraine D Ross 13478 Olde Orchard Rd Strongsville, Ohio 44136

William B Roth 467 Jackson St Columbus, Ohio 43206 David J Hawk PO Box 141 Ostrander, Ohio 43061 493 Livingston LLC 493 Livingston Ave Columbus, Ohio 43215

Betty J Drennen 3152 Scioto Trace Columbus, Ohio 43221 Thomas A Brennan 465 Jackson St Columbus, Ohio 43206 William Marshall 512 Jackson St Columbus, Ohio 43206

THE CITY OF COLUMBUS ANDREW J. GINTHER, MAYOR 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.

IIIIS PAGE MOST BE FILLED OUT COM LETELT AND	11017111211111 Do not maleate 1101111 in the space provided.
	APPLICATION #CVI6-051
STATE OF OHIO COUNTY OF FRANKLIN Being first duly cautioned and sworn (NAME)	i Maistnos, AIA
of (COMPLETE ADDRESS) 4740 REED R. SOTE 20 deposes and states that (he/she) is the APPLICANT, AGENT, OR	having 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. JMM REAL ESTATE LIVESTMENTS, LUC 4639 W. BROAD ST. COLUMBUS, OH #3228	LEFF MAT FO BOX Z+7 CAMAL MUCHESTEN, 04 43110
3.	4.
Check here if listing additional property owners on a separa	ate page.
Sworn to before me and signed in my presence this 2nd day	of August, in the year 2016
Jamaia R. Smes SIGNATURE OF NOTARY PUBLIC	Notary Seal Here Tamara R. Sines Notary Public, State of Ohio My Commission Expires 07/13/202/
	Wy Commission Express 1

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CV16-051

April 20, 2016

DESCRIPTION OF 3.044 ACRES NORTH OF SOUTH LANE (20') WEST OF PARSONS AVENUE (60') EAST OF SOUTH WASHINGTON AVENUE (28') SOUTH OF LIVINGSTON AVENUE (WIDTH VARIES) COLUMBUS, OHIO

Situated in the State of Ohio, County of Franklin, City of Columbus, Half Section 27, Township 5 North, Range 22 West, Refugee Lands, being all of Tracts 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 15 (Parcels 1 through 5) and the remainder of Tract 13 as described in a deed to JMM Real Estate Investments, Inc, of record in Instrument No. 201103170037114, also being all of that portion of Kennedy Drive (16.00 feet in width) as vacated by Ordinance 0310-2016, being a 0.071 acre tract of land as described in a deed to said JMM Real Estate Investments, Inc., of record in Instrument No. 201604110043419 and all of the interest in the alleys vacated by Ordinances 774-69, 2229-83 and 2696-94, all references herein being to the records located at the Recorder's Office, Franklin County, Ohio and being more particularly described as follows;

BEGINNING at a 3/4" iron pipe found at the intersection of the southerly right-of-way line of Jackson Street (40.00 feet in width) and the easterly right-of-way line of South Washington Avenue (28.00 feet in width), also being the northwesterly corner of Lot 5 of "Michael Oestriecher Et Al. Subdivision", a subdivision of record in Plat Book 5, Page 206 and being the northwesterly corner of said Tract 15 (Parcel 5) as described in said deed to JMM Real Estate Investments, Inc.;

Thence **South 86° 34' 34" East**, along the southerly right-of-way line of said Jackson Street, the northerly line of said Lot 5, the northerly line of Lot 6 of said subdivision and the northerly line of said 0.071 acre tract, passing a 5/8" iron pin found (Jon Adcock S-8461) at a distance of 181.20 feet, a total distance of **197.20 feet** to a MAG nail found in the easterly right-of-way line of said Kennedy Drive, being the westerly line of Lot 17 as shown and delineated on the plat entitled "William F. Lehman's Executors Subdivision", a subdivision of record in Plat Book 3, Page 201;

Thence **North 3° 37' 09" East**, along the easterly right-of-way line of said Kennedy Drive, the westerly line of said Lot 17, the westerly line of Lots 15, 13, 11 and 9 and the westerly line of a vacated alley between said Lots 9 and 11, all as shown and delineated on said "William F. Lehman's Executors Subdivision", a distance of **210.19 feet** to a MAG nail set in the southerly line of a 15 foot alley, being the northwesterly corner of said Lot 9;

Thence **South 86° 34' 41" East**, along the southerly right-of-way line of said 15 foot alley, the northerly line of said Lot 9 and the northerly line of a 0.380 acre tract of land described as Tract 9 in the previously mentioned deed to JMM Real Estate Investments, Inc., a distance of **177.07 feet** to a MAG nail

1346 Hemlock Court N.E. • Lancaster, Ohio 43130 • 740-654-0600 (Lancaster Voice) • 740-654-0604 (fax) 614-837-0800 (Columbus-Voice) • 740-670-0800 (Newark-Voice) • 740-455-2200 (Zanesville-Voice) EMAIL: jadcock@americanlandsurveyors.com WEBSITE: www.americanlandsurveyors.com



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CV16-051

set in the easterly right-of-way line of Lehman Street (40.00 feet in width), also being a point in the westerly line of a 1.955 acre tract as described in a deed to JMM Real Estate Investments, Inc., of record in Instrument No. 201103170037114, said Tract 9 being a portion of said Lehman Street vacated by Ordinance 2344-96;

Thence **South 3° 39' 26" West**, along the easterly line of said 0.380 acre tract and the westerly line of said 1.955 acre tract, a distance of **109.16 feet** to a MAG nail found at the southwesterly corner of said 1.955 acre tract, being a point on the westerly line of Lot 14 of said "William F. Lehman's Executors Subdivision";

Thence **South 86° 17' 58" East**, along the southerly line of said 1.955 acre tract and through Lot 14, a distance of **54.69 feet** to a MAG nail found at the northwesterly corner of a 1.991 acre tract of land as described in a deed to JMM Real Estate Investments, Inc., of record in Instrument No. 201604150046314;

Thence **South 3° 32' 28"** West, along the westerly line of said 1.991 acre tract, through Lots 14, 16, 18, 20, 22, 24, 26, 28 and through a portion of a 16 foot alley as vacated by Ordinance No. 774-69, a distance of **299.93 feet** to a MAG nail found on the northerly right-of-way line of South Lane (20 feet in width), also being the southwesterly corner of said 1.991 acre tract and a point in the southerly line of said Lot 28;

Thence along the northerly right-of-way line of South Lane the following courses;

- 1. **North 86° 46' 06"** West, along the southerly line of said Lot 28, the southerly line of said 0.380 acre tract and the southerly line of Lot 27, all as shown and delineated on said "William F. Lehman's Executors Subdivision", a distance of **232.10 feet** to an iron pin set at the southwesterly corner of said Lot 27;
- 2. **North 3° 37' 09" East**, along the westerly line of said Lot 27, a distance of **8.00 feet** to an iron pin found (Jon Adcock S-8461) in the northerly right-of-way line of South Lane (28.00 feet in width), also being the southeasterly corner of the previously mentioned 0.071 acre tract;
- 3. **North 86° 46' 06" West**, along said northerly right-of-way line and the southerly line of said 0.071 acre tract, a distance of **8.00 feet** to a MAG nail set in the centerline of Kennedy Drive and the easterly line of Lot 13 as shown and delineated on the plat entitled "Joseph Schwartz Subdivision", of record in Deed Book 32, Page 109;

Thence South 3° 37' 09" West, along the centerline of Kennedy drive and the easterly line of said Lot 13, a distance of 18.00 feet to a MAG nail set in the centerline of South Lane;

Thence North 86° 46' 06" West, along the centerline of said South Lane and the southerly line of said Lot 13, a distance of 201.89 feet to a MAG nail set in the centerline of South Washington Avenue;



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Thence North 3° 15' 36" East, along said centerline, through said Lot 13 a distance of 169.64 feet to a MAG nail set in the northerly line of said Lot 13;

Thence South 86° 34' 34" East, along the northerly line of said Lot 13, a distance of 14.00 feet to an iron pin set in the easterly right-of-way line of said South Washington Avenue, also being the southwesterly corner of 16.00 foot wide alley vacated by Ordinance No. 774-69 and 2229-83;

Thence North 3° 15' 36" East, along said easterly right-of-way line, the westerly line of said vacated alley and the westerly line of Lot 7 and Lot 5 of the previously mentioned "Michael Oestriecher Et. Al. Subdivision", a distance of 41.00 feet to the PLACE OF BEGINNING and containing 3.044 acres of land.

Said 3.044 acres being all of Franklin County Auditor's Parcel No. 010-039305 (0.797 acre), all of (vacated Kennedy Drive ~ 0.071 acre), all of 010-045589 (0.047 acre), all of 010-021162 010-(0.047 acre), all of 010-045105 (0.107 acre), all of 010-051883 (0.107 acre), all of 010-018990 (0.107 acre), all of 010-020953 (0.156 acre), all of 010-041996 (0.125 acre), all of 010-029609 (0.125 acre), all of 010-033915 (0.125 acre), all of 010-044889 (0.063 acre), all of 010-033082 (0.063 acre), all of 010-004935 (0.212 acre), all of 010-237321 (0.380 acre) and part of 010-054279 (0.379 acre) and 0.133 acre of underlying title within the right-of-ways of South Lane and South Washington Avenue..

Bearings herein are based on a bearing of S 3° 32' 28" W for the westerly line of Parsons Avenue as derived from GPS observations in conjunction with the Ohio Department of Transportation VRS network, being the Ohio State Plane Coordinate System, South Zone, NAD 1983.

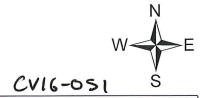
This description was prepared by American Land Surveyors, LLC, by Jon B. Adcock, Ohio P.S. No. 8461 and is based on a field survey performed in October, 2015.

Jon B. Adcock, Ohio P.S. No. 8461 Date

EMAIL: jadcock@americanlandsurveyors.com



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: 010004935 010 045105

Zoning Number: 587

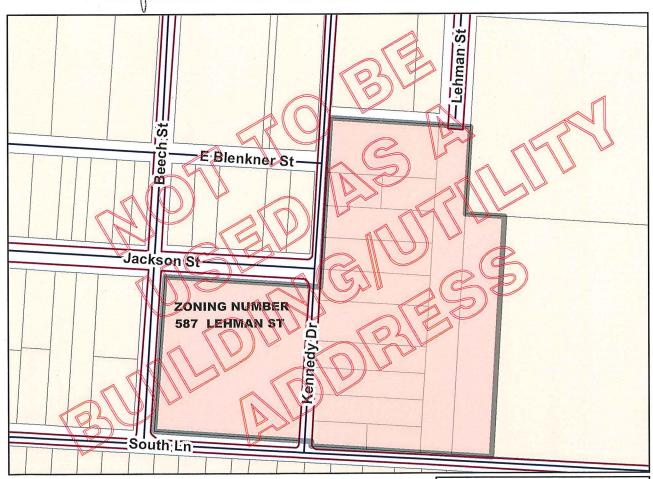
Street Name: LEHMAN ST

Lot Number: N/A

Subdivision: N/A

Requested By: <u>NEW AVENUE ARCHITECTS (MICHAEL J MAISTROS)</u>

Issued By: () Date: 10/9/2015



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

SCALE: 1 inch = 120 feet

GIS FILE NUMBER: 46517

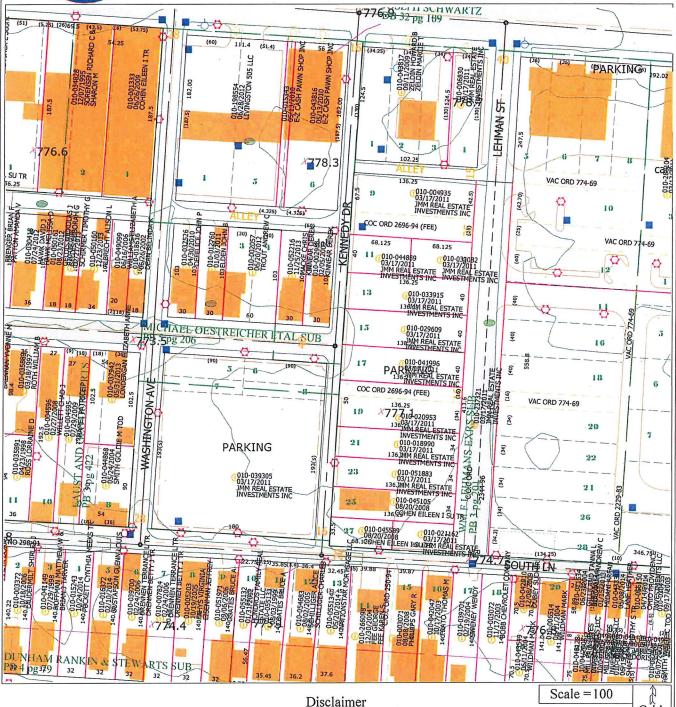


CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

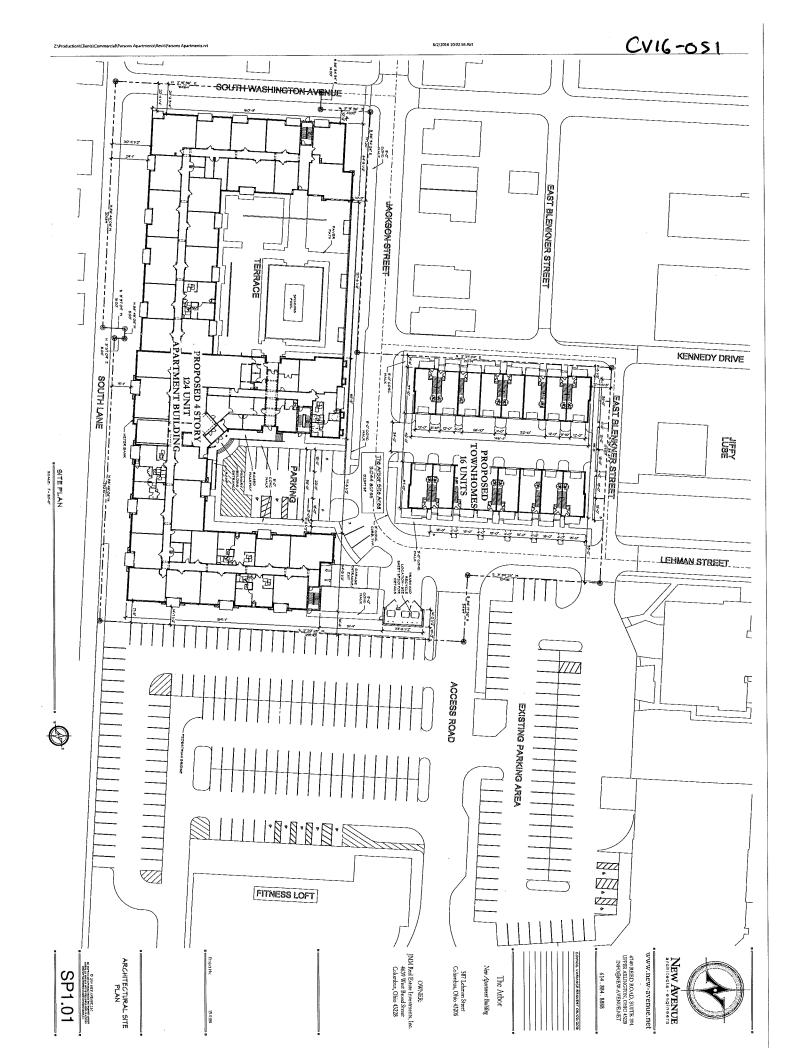
DATE:

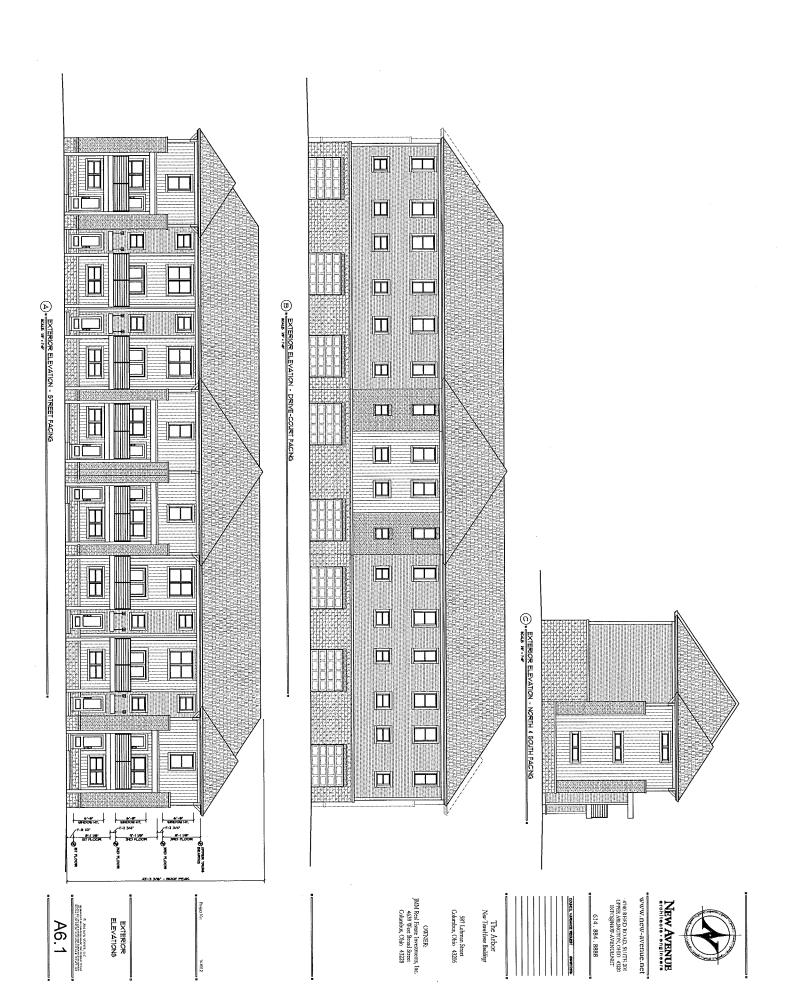
10/2/15

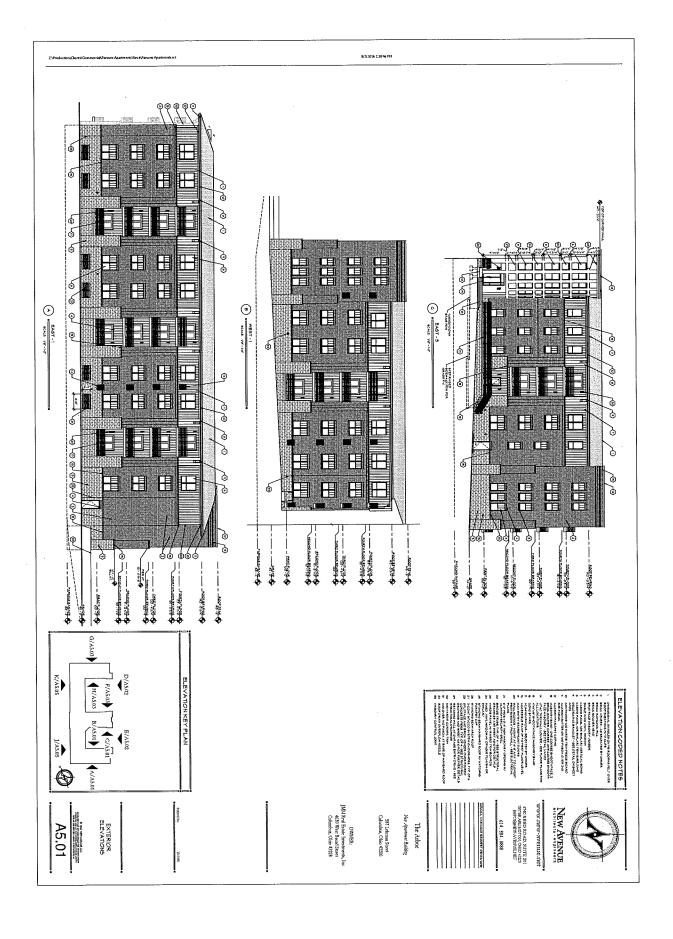


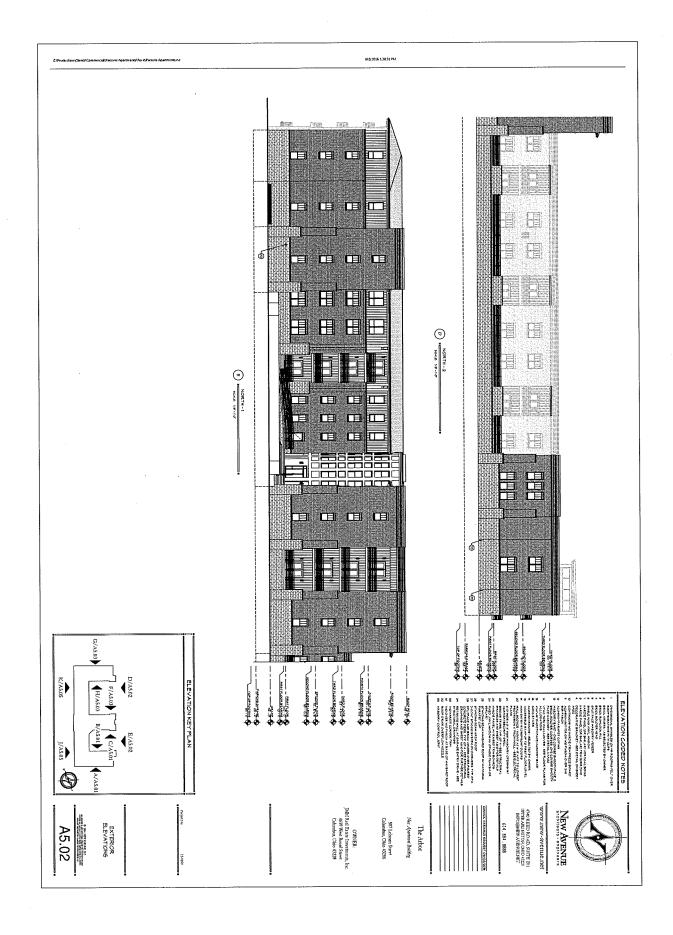
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

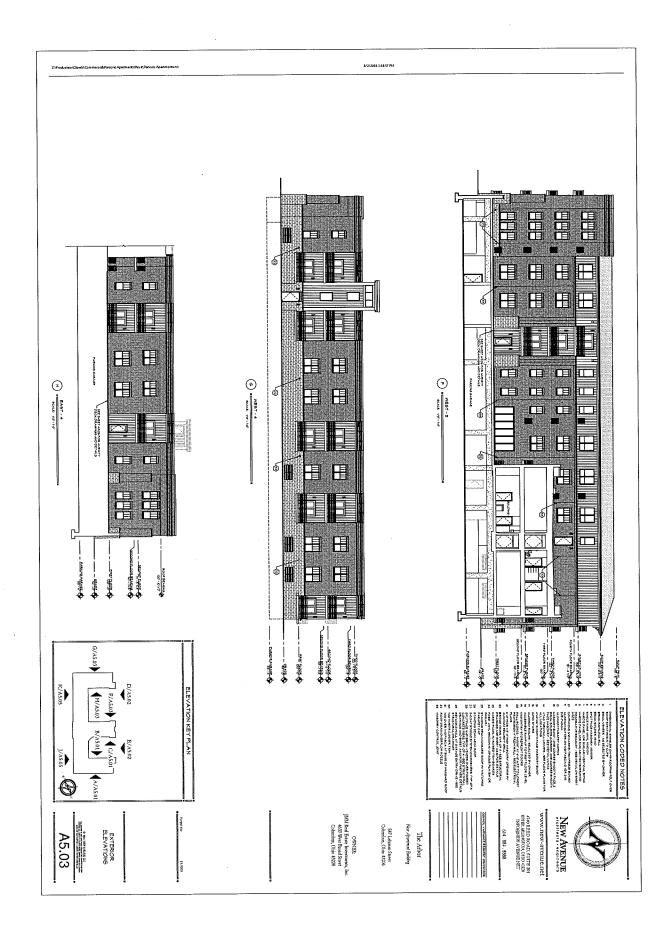
Real Estate / GIS Department

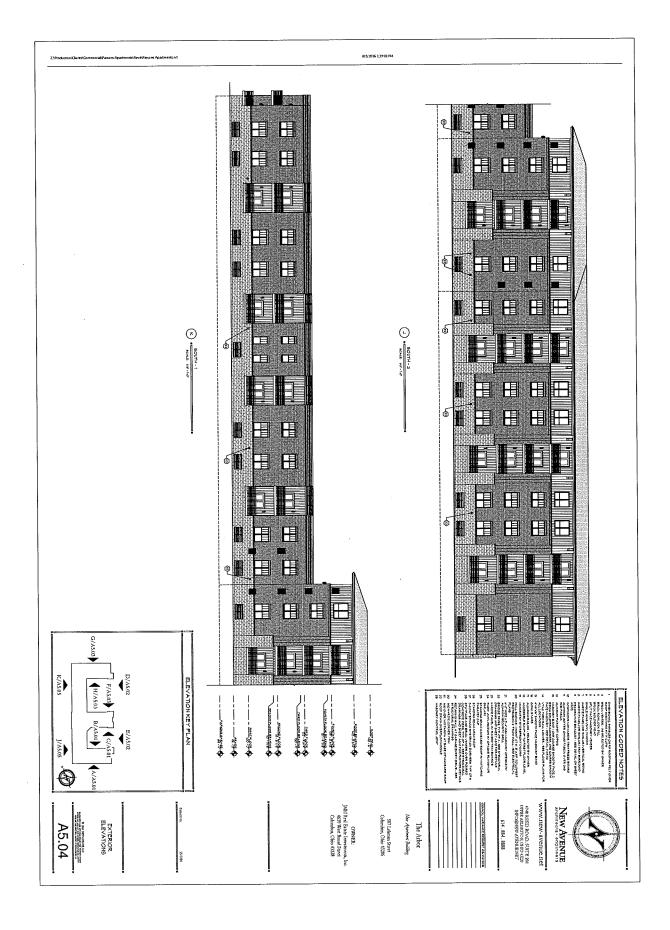


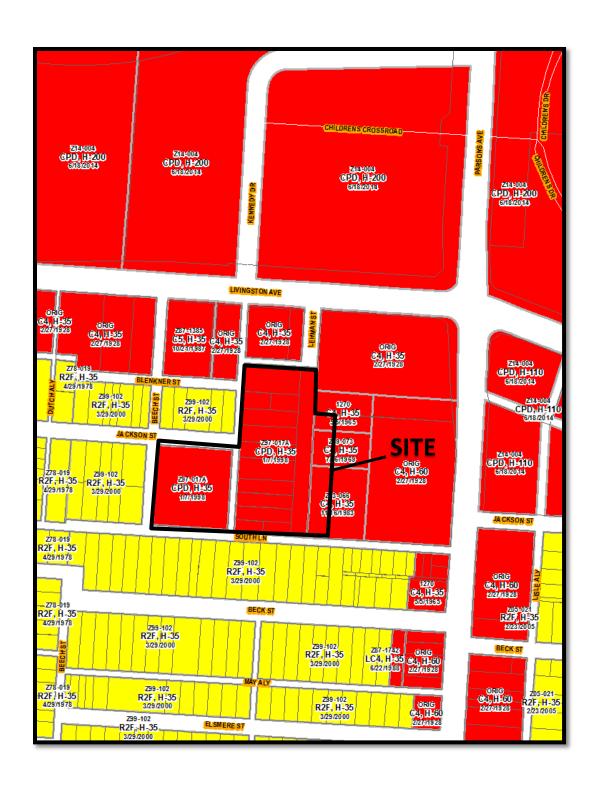




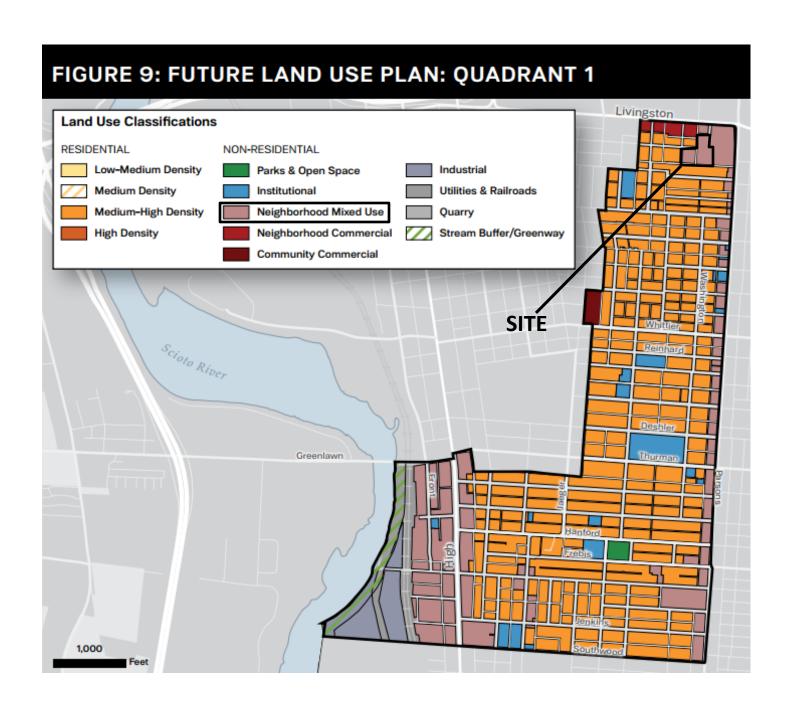








CV16-051 587 Lehman Street Approximately 3.04 acres





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