

From:

10/03/2016 14:21

#117 P.002/002

THE CITY OF
COLUMBUS

and County, Ohio

DEPARTMENT OF PUBLIC WORKS
AND CONSTRUCTION

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: CV16-064 Date Received: 10/4/2016

Application Accepted by: MM Fee: \$1600

Comments: Assigned to Michael Maret; 614-645-2749; mjmaret@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 420 E. FIFTH AVENUE Zip: 43201

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: 010-020097

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

Current Zoning District(s): M - MANUFACTURING

Area Commission or Civic Association: MILG-GROGAN AREA COMMISSION

Proposed Use or reason for Council Variance required:

REQUEST VARIANCE TO PERMIT RESIDENCE FOR ARTIST'S
LIVING & STUDIO

Acres: 0.44

APPLICANT:

Name: MALCOLM COCHRAN Phone Number: 614-291-6002 Ext.:

Address: 918 MT. PLEASANT AVE City/State: COLUMBUS, OH Zip: 43201

Email Address: COCHRAN.makd@m@gmail.com Fax Number:

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

Name: ROBERT A. KELLY Phone Number: 614-291-0437 Ext.:

Address: 420 E. 5TH AVE City/State: COLUMBUS, OH Zip: 43201

Email Address: centralohio0437@sbccolaba.net Fax Number:

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

Name: Phone Number: Ext.:

Address: City/State: Zip:

Email Address: Fax Number:

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

APPLICANT SIGNATURE Malcolm Cochran

PROPERTY OWNER SIGNATURE Robert Kelly

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 incomplete 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 614-645-4311 to schedule.

Please make checks payable to the Columbus City Treasurer

10/10/2016

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CV16-064

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:

= SEE ATTACHED =

Signature of Applicant

John Gohna

Date

10.3.16

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Statement of Hardship

420 E. 5th Avenue, Columbus, 43201, is located on the north side of E. 5th Avenue between Penny Street on the east, English Way on the north, and the railroad tracks on the west. The property comprises an original one-story brick warehouse dating from 1928 with four additions: one to the south (along E. 5th Ave.); two on the north, and one on the west.

The property is zoned "M" Manufacturing. It is in the Milo-Grogan neighborhood.

Applicant seeks a Zoning Variance to purchase the property for his artist studio and residence. He has developed conceptual plans for the conversion with architect Jonathan Barnes (JBAD), Columbus. He will consult with and obtain estimates for the work from MCR Services, a Milo-Grogan contractor, and Compton Construction.

Because the total square footage is greater than applicant requires for his personal use, the following renovations are envisioned:

- The most recent addition, a shed on the west side, will be demolished to expose the western façade of the original brick warehouse. This will open up the area between the building and the tracks that will be used as outdoor space and for parking.
- The current offices of Central Ohio Heating and Cooling will be converted for applicant's temporary living. When work on his residence has been completed, this unit will be a rental apartment both for income and for security on the property when applicant is away.
- The 1600 sf. addition on the northwest corner will be upgraded for General Office use. Applicant envisions this space being leased by an architect, graphic designer, other design professional, or an entrepreneurial start-up firm.

Applicant has retired from teaching in the Department of Art at OSU and has decided to remain in Columbus and to establish his studio and living in a single property. He is prepared to make a considerable investment to transform the site. This will further contribute to the significant upgrades and continued growth of the E. 5th Avenue corridor and to the Milo-Grogan neighborhood.

It is pertinent to point out that the applicant's studio does not function as a retail establishment and therefore does not have traffic associated with a business dependent upon a flow of customers to the site. Its sole purpose is for creating works for exhibition or public art commissions.

Applicant requests the following variance:

Use variance to **Section 3363.01** — M: Manufacturing Districts of the Columbus City Codes which prohibits residential use other than for a security person associated with a Manufacturing District use — to allow a 3050[±] sf. primary residence and a 1200[±] sf. rental apartment.

THE CITY OF
COLUMBUS

ANDREW J. GANTHER, MAYOR

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

AFFIDAVIT (See instruction sheet)

Application Number: CV16-064

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME MALCOLM COCHRAN
of (1) MAILING ADDRESS 918 MT. PLEASANT AVE. / COLUMBUS, OH 43201

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 420 E. 5TH AVE / COLUMBUS, OH 43201

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) ROBERT A. KELLY
420 E. 5TH AVE.
COLUMBUS, OH 43201

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

MALCOLM COCHRAN
614-291-6002

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

(5) MILGROGAN AREA COMMISSION
MATTHEW VACCARO, ZONING CHAIR
1191 ST. CLAIR AVE.
COLUMBUS, OH

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

MALCOLM COCHRAN

Sworn to before me and signed in my presence this 4th day of October, in the year 2016

Rev

(8) SIGNATURE OF NOTARY PUBLIC

11/28/17
My Commission Expires



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

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Please make checks payable to the Columbus City Treasurer

Malcolm Cochran
918 Mt. Pleasant Avenue
Columbus, OH 43201

Robert A. Kelly
420 E. Fifth Avenue
Columbus, OH 43201

Robert Barksdale
Chair, Milo-Grogan Area Commission
PO Box 248567
Columbus, OH 43224

Weinland Park Development LLC
575 W. First Avenue • Suite 100
Columbus, OH 43215

Stox Investments, LLC
1170 Penny Street
Columbus, OH 43201

Margaret R. Smith-Walker
Vanstory Slade
10179 Leetown Road
Kearneysville, WV 25430-3613

Strait Real Estate LLC 2 Ltd.
2573 Swisher Creek Drive
Blacklick, OH 43004-8507

Clark Grave Vault Co.
375 E. Fifth Avenue
PO Box 8250
Columbus, OH 43201-0250

Tomco Construction Inc.
1337 E. 25th Avenue
Columbus, OH 43211

Mid-Ohio Air Conditioning Corp.
456 E. Fifth Avenue
Columbus, OH 43201-2971

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

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 # CV16-064

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) MALCOLM COCHRAN
of (COMPLETE ADDRESS) 918 MT. PLEASANT AVE. COLUMBUS, OH 43201
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. <u>MALCOLM COCHRAN</u> <u>918 MT. PLEASANT AVE.</u> <u>COLUMBUS, OH 43201</u> <u>614-291-6002</u>	2.
3.	4.

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

SIGNATURE OF AFFIANT Malcolm Cochran

Sworn to before me and signed in my presence this 4th day of October, in the year 2016

[Signature]
SIGNATURE OF NOTARY PUBLIC

11/28/17
My Commission Expires

Notary Seal Here



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

Tract One:

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

Being Lots Numbers One (1), Two (2), Three (3), and Four (4), and Five (5) of Mary J. Callaghan's Amend Subdivision of Lots 125 and part of Lots 126 and 127 of Samuel Doyle's Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 334, Recorder's Office, Franklin County, Ohio, together with that part of the alleys vacated by the City of Columbus by ordinance No. 279-44, passed September 11, 1944, ownership of which accreted to the owners of the above described lots by virtue of such vacation.

Tract Two:

Situated in the State of Ohio, County of Franklin and City of Columbus, and being more particularly bounded and described according to a plan of survey made by The Jennings-Lawrence Company, Civil Engineers and Surveyors, as follows:

Beginning at a point marked by a drill hole in the north line of East Fifth Avenue, said point being the southwest corner of Lot No. 3 of Mary j. Callaghan's Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 334, Recorder's Office, Franklin County, Ohio;

Thence from said point of beginning, N. 87 deg. 30' W., and with the north line of East fifth Avenue, 37.10 feet to a drill hole; the following two courses and distances being by remaining land of The Connecting Railway Company; thence N. 3 deg. 29' W. 117.65 feet to an iron pin; thence N. 86 deg. 19' E. 36.48 feet to an iron pin in the west line of said Mary J. Callaghan's Subdivision, passing an iron pin on line at 12.25 feet, said west line of Subdivision being coincident with the west line of a vacated alley at this location; thence S. 3 deg. 41' E., with the west line of said Subdivision, and with the west line of said vacated alley and the west line of said Lot No. 3 in Mary J. Callaghan's Subdivision, 121/70 feet to the place of beginning, containing 4,392 square feet, more or less, together with that part of the alleys vacated by the City of Columbus by Ordinance No. 279-44, passed September 11, 1944, ownership of which accreted to the owner of said parcel of land by virtue of such vacation.

EXCEPTING THEREFROM THE FOLLOWING:

Situated in the State of Ohio, County of Franklin, City of Columbus, located in Quarter Township 4, Township 1, Range 18, United States Military lands, being part of Lot 126 of Lot 127, Samuel DoYLES Subdivision, Plat Book 1, page 3, being also part of Lots 1, 2, and 3 of Mary j. Callaghan's Subdivision, Plat Book 5, page 334 and being also part of a 0.483 (calc.) acre tract of land conveyed to Robert a. Kelly by deed of Record OR 26337-A13 of the Recorder's Office, Franklin County, Ohio and being more particularly described as follows:

Commencing at the centerline intersection of Penny Street and E. Fifth Avenue, said point being at station 86+50.63;

Thence N 86 deg. 28' 07" W along the centerline of Fifth Avenue a distance of 152.63 feet to a point, said point being located at station 84+98.00;

Thence N 3 deg. 31' 53" E a distance of 24.83 feet to an iron pin set at the grantor's southwest corner, said iron pin being in the east line of a tract of land deeded to Pennsylvania Lines LLC, by deed of record in Inst. #200212180325195 and at the southwest corner of said lot 127, said iron pin being also 24.83 feet left of station 84+98.00, and being also the TRUE POINT OF BEGINNING;

Thence N 2 deg. 12' 39" W along the west line of said lot 127, the grantor's west line and the east line of said Pennsylvania Lines LLC tract a distance of 8.21 feet to an iron pin set, said iron pin being 33.00 feet left of station 84+97.18;

Thence S 86 deg. 28' 07" E across said lots 127 and 126, across said lots 1, 2 and 3 and across the grantor's tract a distance of 128.36 feet to an iron pin set in the westerly right-of-way line of Penny Street, the easterly line of said lot 3 and the grantor's easterly line, and said iron pin being 33.00 feet left of station 86+25.54;

Thence S 3 deg. 29' 12" W along the westerly right-of-way line of Penny Street, the grantor's easterly line and the easterly line of said lot 3 a distance of 2.72 feet to an iron pin set at the grantor's southeast corner, the southwest corner of said lot 3 and at the northeasterly corner of lot 125, Samuel Doyles Subdivision, said iron pin being 30.28 feet left of station 86+25.54'

Thence N 86 deg. 40' 19" W along the existing northerly right of way line of Fifth Avenue, and along the southerly line of said lots 1, 2 and 3 of Mary j. Callahan's Subdivision, said line being the grantor's southerly line, a distance of 91.00 feet to an iron pin set in the west line of said lot 126, the east line of said lot 127, said iron pin being also 29.96 feet left of station 85+34.54;

Thence S 2 deg. 11' 06" E along the east line of said lot 126 and the west line of said lot 127, a distance of 5.02 feet to an iron pin set in the southwest corner of said lot 126, at the southeast corner of said lot 127 and in the grantor's south line, said iron pin being 24.96 feet left of station 85+35.04;

Thence N 86 deg. 40' 19" W along the existing right-of-way line of e. Fifth Avenue, the grantor's south line and the south line of said lot 127 a distance of 37.04 feet to THE TRUE POINT OF BEGINNING;

The above described area is contained within the Franklin County Auditor's Parcel Number 010-020097. Within said boundary is 0.013 acres, more or less, with 0.004 acres in the present road occupied, for a net take of 0.009 acres.

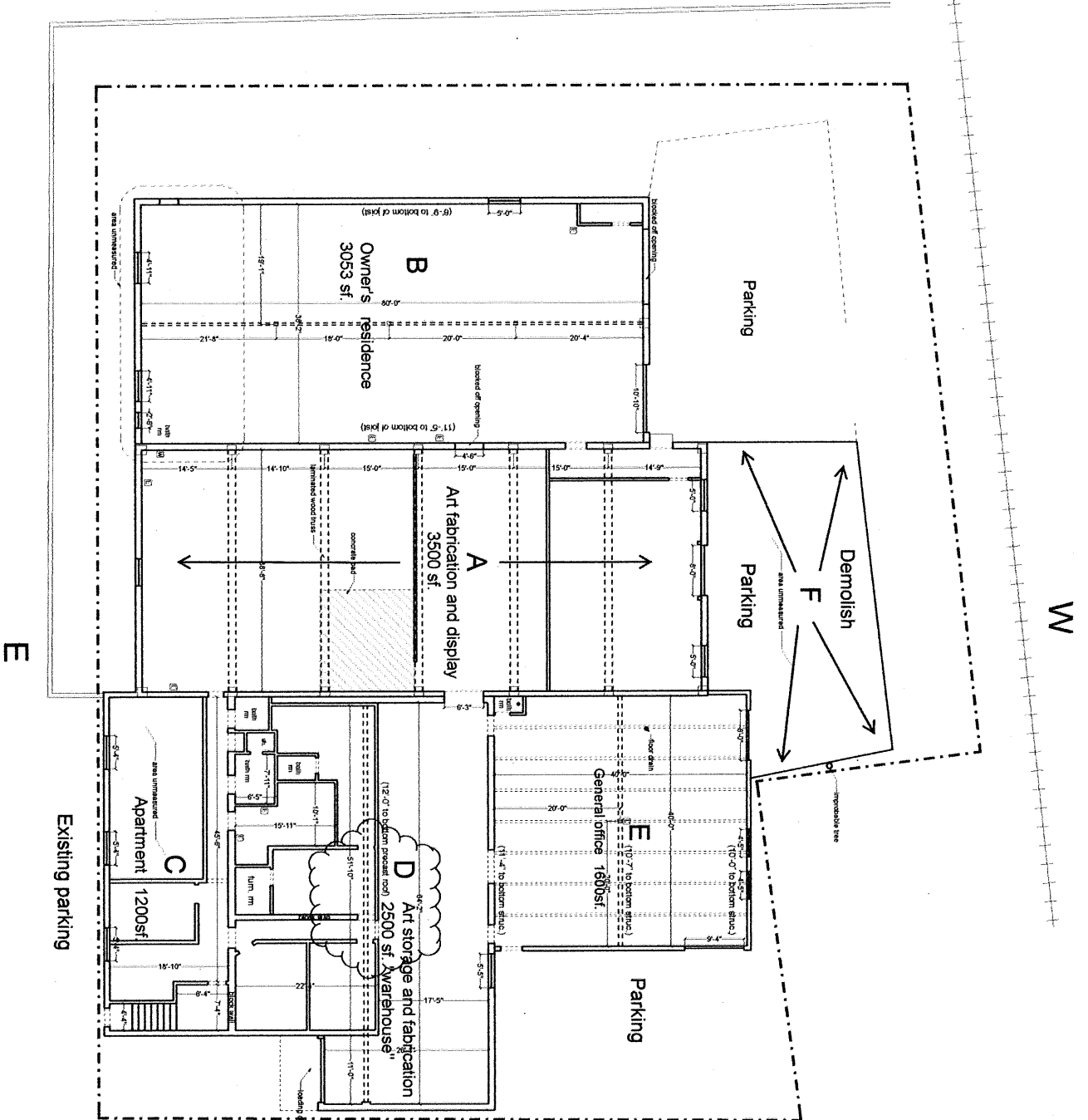
This description and survey was prepared and reviewed on December 3, 2010 by Robert A. Hock, Registered Surveyor #5674.

All iron pins set are 5/8" rebar (30" long) with yellow plastic cap stamped "R/W DYNOTEC, INC" and are to be placed at the completion of construction by the City of Columbus Survey Department.

The centerline described in this document refers to the centerline of construction as shown on the City of Columbus roadway plan "Fifth Avenue Streetscape Improvements (2369 Dr. E)".

The basis of bearings in this description area based on the State Plane Coordinate system, Ohio South Zone, NAD83 (1986 adjustment), which were determined by GPS observations conducted by the Franklin County Engineer's Office occupying Franklin County Geodetic Survey Monuments FCGS FRANK 62 and FCGS FRANK 162, and holding the Fifth Avenue centerline of construction bearing from Grant Avenue to Corrugated Way as S 86 deg. 28' 07" E.

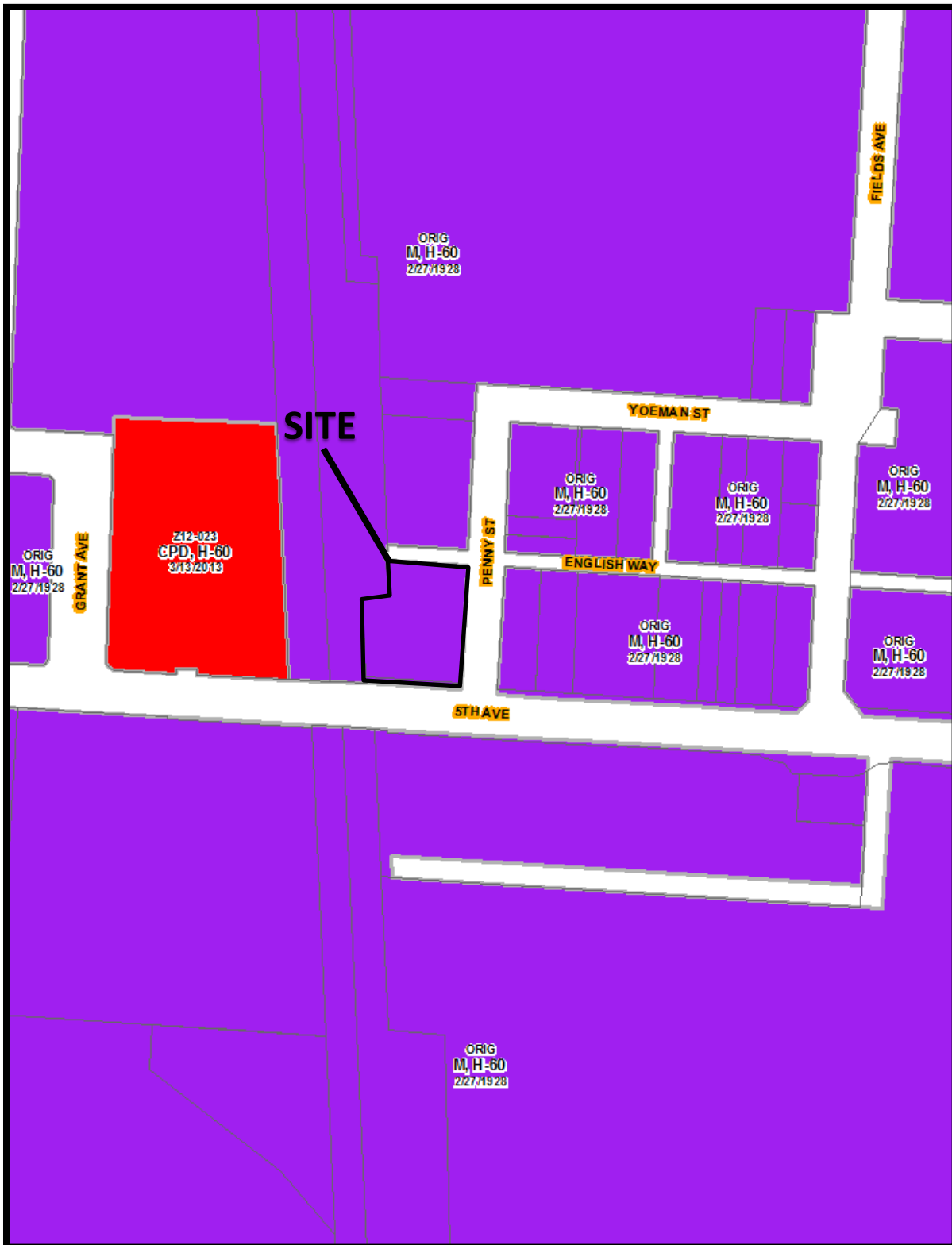
E. 5th
AVENUE



Application for
Zoning Variance
to permit residential
in "W" property
Malcolm Cochran

- Notes:
- Non-load bearing walls in C & D will be removed

420 E 5th ave
scale: 1/16" = 1'



CV16-064
420 East 5th Avenue
Approximately 0.44 acres



- Single-family Residential
- Multifamily Residential
- Light Industrial
- Heavy Industrial
- Commercial
- Commercial/Multi-family
- Office
- Institutional
- Mixed Use
- Park
- Utility & City Owned

CV16-064
 420 East 5th Avenue
 Approximately 0.44 acres



CV16-064
420 East 5th Avenue
Approximately 0.44 acres