

THE CITY OF  
**COLUMBUS**

ANDREW J. GINTHER, 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

OFFICE USE ONLY

Application Number: CV16-067 Date Received: 10/5/16

Application Accepted by: SP Fee: \$1600

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

**LOCATION AND ZONING REQUEST:**

Certified Address (for zoning purposes only): 1436 Indianola Avenue, Columbus, Ohio 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.* 010-067051

Parcel Number for Certified Address: \_\_\_\_\_

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

Current Zoning District(s): R-4, Residential

Area Commission or Civic Association: University Area Commission

Proposed Use or reason for Council Variance request: Apartments

Acreage: .0758 +/-

**APPLICANT:**

Name: Lykens Companies, c/o Donald Plank Phone Number: 614-947-8600 Ext.: ----

Address: Plank Law Firm 423 East Town Street, 2nd Floor City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

Name: ALOSM LS 1436, LLC c/o Donald Plank Phone Number: 614-947-8600 Ext.: ----

Address: Plank Law Firm 423 East Town Street, 2nd Floor City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

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

Address: 423 East Town Street, 2nd Floor City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

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

APPLICANT SIGNATURE Donald Plank, attorney

PROPERTY OWNER SIGNATURE Donald Plank, attorney

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.*

**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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CV16-067

**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.

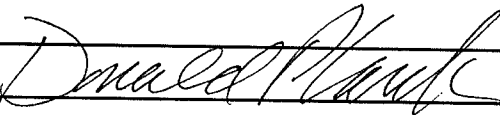
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the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

Signature of Applicant



Date

10/3/16

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**Exhibit B**  
**Statement of Hardship**  
**CV16- 067**  
**1436 Indianola Avenue, Columbus, OH 43201**

The property (PID: 010-067051) is 0.073 +/- acres located at the southeast corner of Indianola Avenue and E. Eighth Avenue. The site is developed with a building built as but no longer used for a church. Applicant proposes to change the use of the church to ten (10) dwelling units consisting of (10), one-bedroom apartments. The proposed use is consistent with residential use of the area, a recent variance for change of use of a commercial use to dwelling units at the northeast corner of Indianola Avenue and E. Eighth Avenue and preservation and reuse of the existing former church building. The property is zoned R-4, Residential as is much of the surrounding area. There are many non-conforming uses in the R-4 area as well as many uses not in compliance with R-4 standards.

Applicant has a hardship and practical difficulty with compliance with the referenced code sections necessitating the requested variances because there is no zoning district to which the property could be rezoned to not need variances, the building/site is a special purpose building now being adapted to a new use with zoning that has evolved multiple times since the church was built, various existing site conditions need to be conformed to R-4 district and University Planning Overlay (UPO) code standards by variance and applicant has no beneficial use of the property without the requested variances.

Applicant requests the following variances. Other than the use of the building, all citations are to conform existing conditions to current code.

- 1). Section 3332.039, R-4 residential district, to permit the change of use of a church building to ten (10) dwelling units.
- 2). Section 3321.05(B)(2), Vision clearance, to permit the existing building encroachment in the clear vision triangle at street intersections by reducing the 30 foot clear vision triangle at the intersection of Indianola Avenue and E. Eighth Avenue from 30 feet to three (3) feet.
- 3). Section 3332.27, Rear Yard, to reduce rear yard from 25% to 1%.
- 4). Section 3372.541, Landscaped area and treatment, to reduce landscaping behind the most rear portion of the building from 10% of lot area (310 SF) to the existing 53 SF.
- 5). Section 3372.542, Maximum lot coverage, to increase the Maximum Lot Coverage from 25% to 98%.
- 6). Section 3372.543, to reduce the average building setback from 16' +/- to zero (0) feet on both Indianola Avenue.
- 7). Section 3372.544, to permit increase the maximum floor area ratio from 0.40 to 1.90.
- 8). Section 3372.545(A)(B), Height, to increase the height the permitted height from 35 feet to 46 feet to permit the existing church steeple and to permit the existing cornice/eave height of the existing building.

**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: CV16-067

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME

Donald Plank (Plank Law Firm)

of (1) MAILING ADDRESS

423 East Town Street, 2nd Floor, 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

1436 Indianola Avenue, Columbus, Ohio 43201

(2) per ADDRESS CARD FOR PROPERTY

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

(4) ALOSM LS 1436, LLC

AND MAILING ADDRESS

C/o Donald Plank (Plank Law Firm)

423 East Town Street, 2nd Floor

Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #

Lykens Companies

(same as listed on front application)

c/o Donald Plank 614-947-8600

AREA COMMISSION OR CIVIC GROUP

(5) University Area Commission

AREA COMMISSION ZONING CHAIR

c/o Doreen Uhaus-Sauer, Chair and Susan Keeny - Zoning Chair

OR CONTACT PERSON AND ADDRESS

2111 Iuka Avenue

358 King Avenue

Columbus, Ohio 43202

Columbus, Ohio 43201

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

*Donald Plank*

Sworn to before me and signed in my presence this 3rd day of October, in the year 2016

Rev

*Stacey L. Danza*

11-5-2018

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here

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



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Please make all payments payable to the Columbus City Treasurer

Stacey L. Danza  
Notary Public, State of Ohio

My Commission Expires 11-05-2018



**EXHIBIT A, Public Notice**  
**1436 Indianola Avenue**  
**CV16- 067**  
**September 29, 2016**

**APPLICANT**

Lykens Companies  
c/o Donald Plank  
Plank Law Firm  
423 East Town Street, 2<sup>nd</sup> Floor  
Columbus, OH 43215

**PROPERTY OWNER**

ALOSM LS 1436, LLC  
c/o Donald Plank  
Plank Law Firm  
423 East Town Street, 2<sup>nd</sup> Floor  
Columbus, OH 43215

**ATTORNEY**

Donald Plank, Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**COMMUNITY GROUP**

University Area Commission  
c/o Susan Keeny, Zoning Chair  
358 King Avenue  
Columbus, Ohio 43201

**PROPERTY OWNERS WITHIN 125 FEET**

Ahmed Ebady  
1456 Indianola Avenue  
Columbus, Ohio 43201-2117

City of Columbus  
Real Estate Management  
90 West Gay Street, Room 425  
Columbus, Ohio 43215

Machinski 1484 Indianola LLC  
1020 Dennison Avenue Suite 102  
Columbus, Ohio 43201-3497

Marigold Hill, LLC  
138 East 8th Avenue  
Columbus, Ohio 43201

Acuho-I Management LLC  
1445 Summit Street  
Columbus, Ohio 43201-2105

Mary E Miller  
Hazem Tleimat  
1390 Indianola Avenue  
Columbus, Oh 43201-2536

ALOSM LS 1436 LLC  
1020 Dennison Avenue  
Columbus, Ohio 43201-3497

Fred Goad, Sr and Rebel Goad  
1419 Summit Street  
Columbus, Ohio 43201-2580

Bash 5 LLC  
PO Box 346  
Delaware, Ohio 43015-0346

Andrew D and Amanda M Ferguson  
1423 Summit Street  
Columbus, Ohio 43201

**1436 Indianola Avenue**  
**CV16- 067**  
**Exhibit A, Public Notice**  
**Page 1 of 2, 9/29/2016**

**ALSO NOTIFY**

David Perry  
David Perry Company, Inc.  
145 E Rich Street, FL 3  
Columbus, Ohio 43215

ALOSM LS 1436, LLC  
c/o Kevin Lykens  
1020 Dennison Avenue Suite 102  
Columbus, Ohio 43201

## 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 # CV16-067

STATE OF OHIO  
COUNTY OF FRANKLIN

Donald Plank (Plank Law Firm) -----

Being first duly cautioned and sworn (NAME) \_\_\_\_\_  
of (COMPLETE ADDRESS) 423 East Town Street, 2nd Floor 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. ALOSM LS 1436, LLC 1020 Dennison Avenue Columbus Ohio 43201 # of Columbus Based Employees: 0 Contact: Kevin Lykens 614-653-1212	2. Lykens Companies 1020 Dennison Avenue Suite 102 Columbus, Ohio 43201 # of Columbus Based Employees: 5 Contact: Kevin Lykens 614-653-1212
3. _____	4. _____

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

SIGNATURE OF AFFIANT

Donald Plank

Sworn to before me and signed in my presence this 3rd day of October, in the year 2016

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

My Commission Expires

11-5-2018

Notary Seal Here

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Please make checks payable to the Columbus City Treasurer



Stacey L. Danza  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018

**1436 Indianola Avenue, Columbus, Ohio 43201**

**Legal Description**

**CV16- 067**

Situated in the State of Ohio, County of Franklin and in the City of Columbus and bounded and described as follows:

Beginning at the Southeast corner of Eighth and Wesley Avenue in said city and running thence east along Eighth Avenue sixty (60) feet to a point on the south line of Eighth Avenue, thence south on a line parallel with the east line of Wesley Avenue, the distance of fifty-three (53) feet; thence west on a line parallel with the south line of Eighth Avenue, sixty (60) feet to a point in the east line of Wesley Avenue, thence north along the east line of Wesley Avenue, fifty-three (53) feet to the place of beginning and containing 1/10 of an acre, more or less, and begin a part of the premises conveyed to said grantor by Lucinda Miller by deed dated November 4, 1989 and recorded in Deed Book 321, Page 602, Franklin County Recorder's Office.

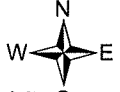
Parcel Number: 010-067051

9/29/2016





# City of Columbus Zoning Plat



CV16-067<sup>S</sup>

## 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: 010067051

Zoning Number: 1436

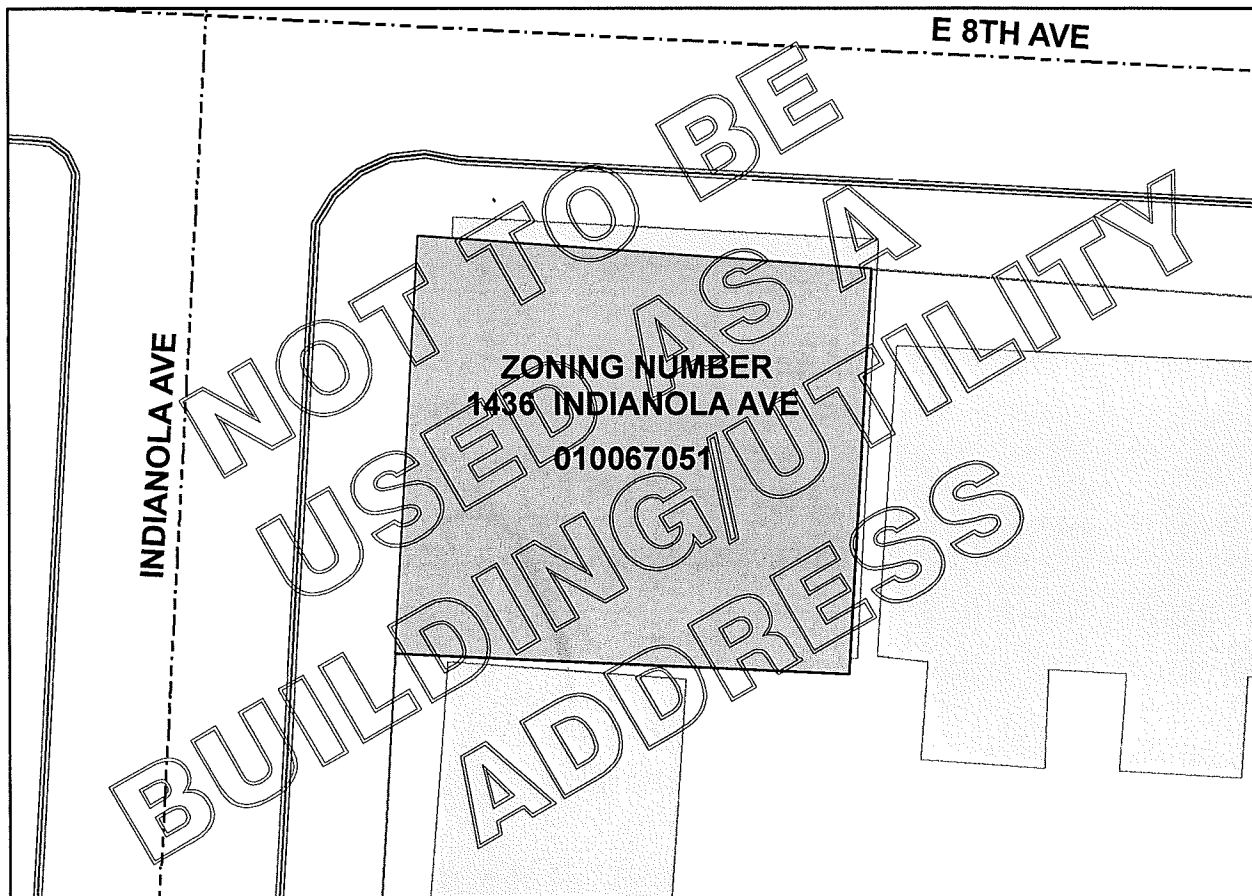
Street Name: INDIANOLA AVE

Lot Number: N/A

Subdivision: N/A

Requested By: THE DAVID PERRY COMPANY, INC (DAVE PERRY)

Issued By: *Adyana Amariam* Date: 9/29/2016



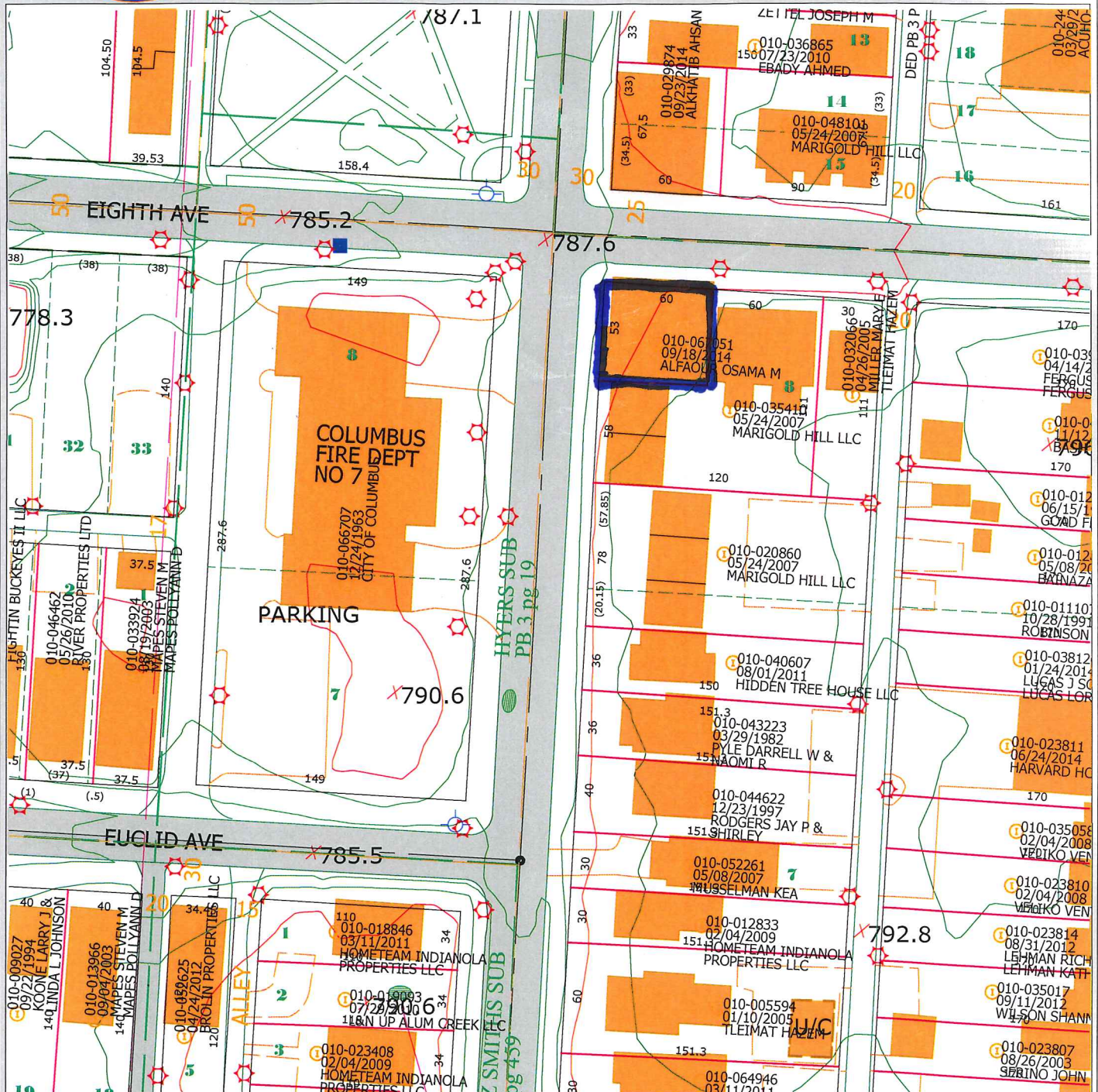
FRANK D. WILLIAMS, ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO

SCALE: 1 inch = 25 feet

GIS FILE NUMBER: 75315

**MAP ID: S**

**DATE: 9/29/16**



Scale = 80

Grid  
North

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



**SITE TOTAL AREA**

PID - 012-67034	3083 SF	0.07
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**TOTAL PARKING COUNT**

NONE EXISTING - NONE PROPOSED

**TOTAL BUILDING AREA**

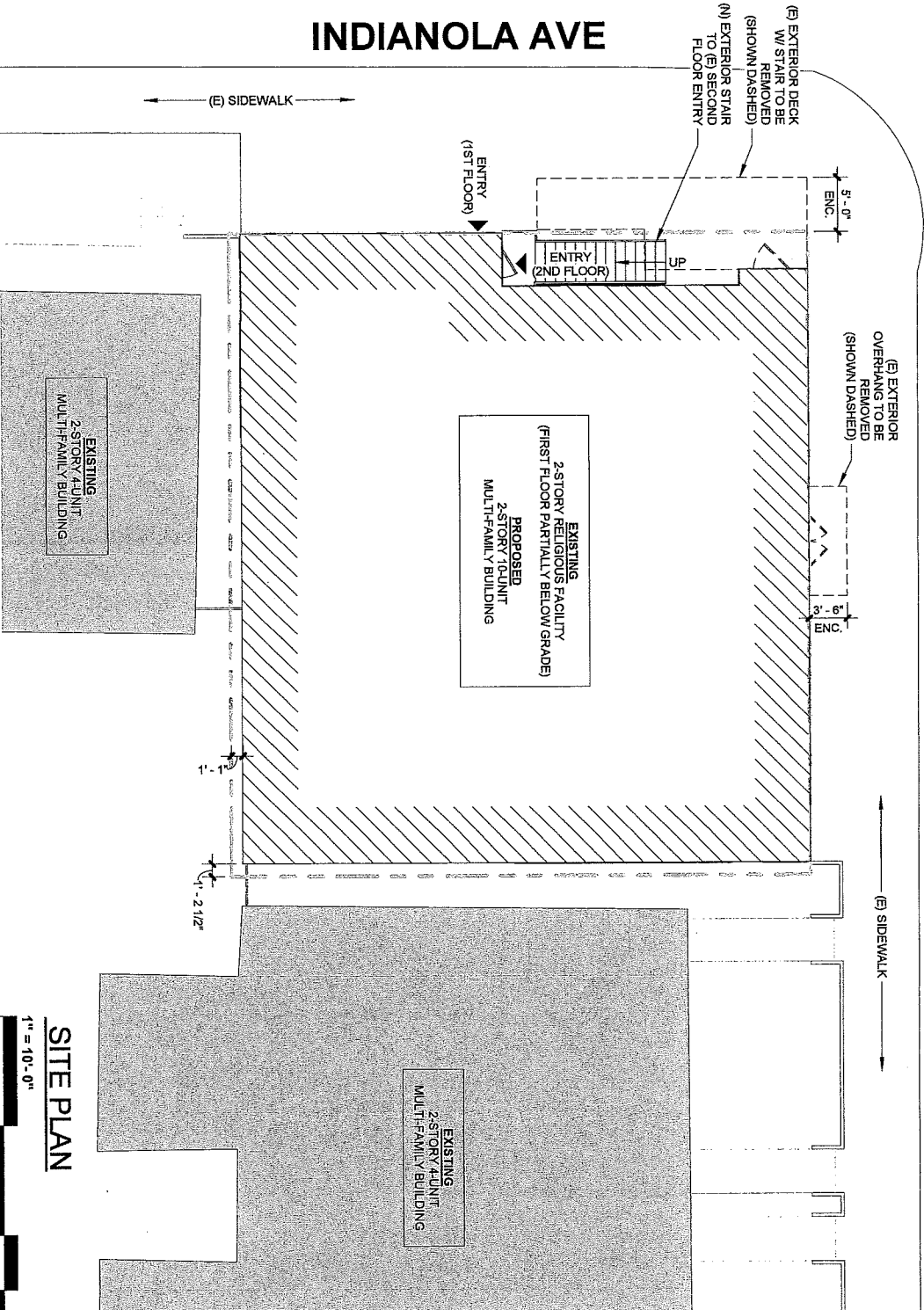
PROGRAM AREA	UNIT COUNT	GROSS AREA
COMMON CIRCULATION	0	170 SF
LIVING UNITS	5	2878 SF
1ST FLOOR	0	2842 SF
COMMON CIRCULATION	0	205 SF
LIVING UNITS	5	2844 SF
2ND FLOOR	5	2844 SF
UNIT COUNT / GROSS SF	10	5897 SF

**UNIT MIX**

UNIT TYPE	#	UNIT GROSS UNIT NET
1 BR - 1 BA	10	5322
TOTAL UNIT COUNT	10	5322
AND AREA (GROSS)		4825

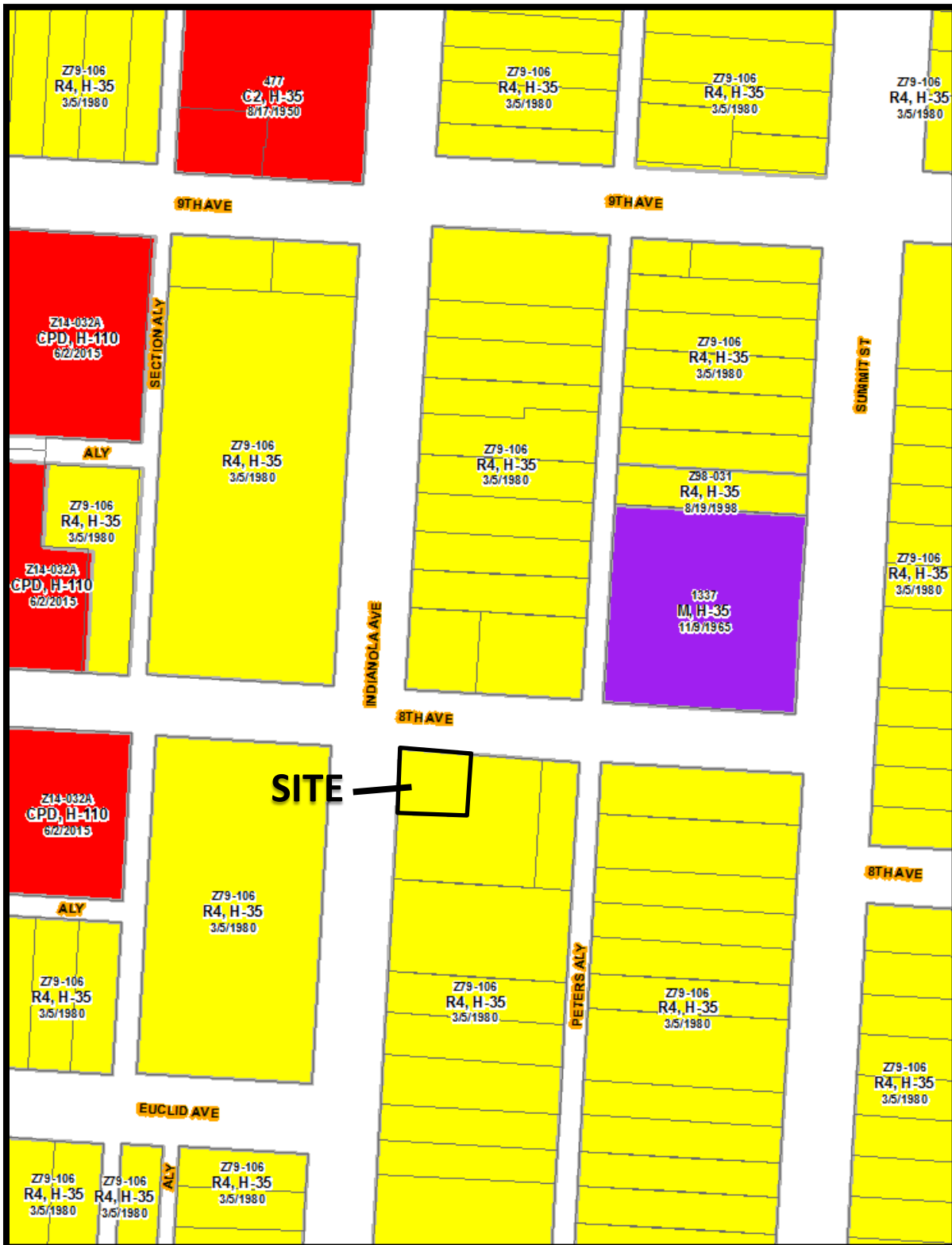
**INDIANOLA AVE**

**E 8TH AVE**



**SITE PLAN**

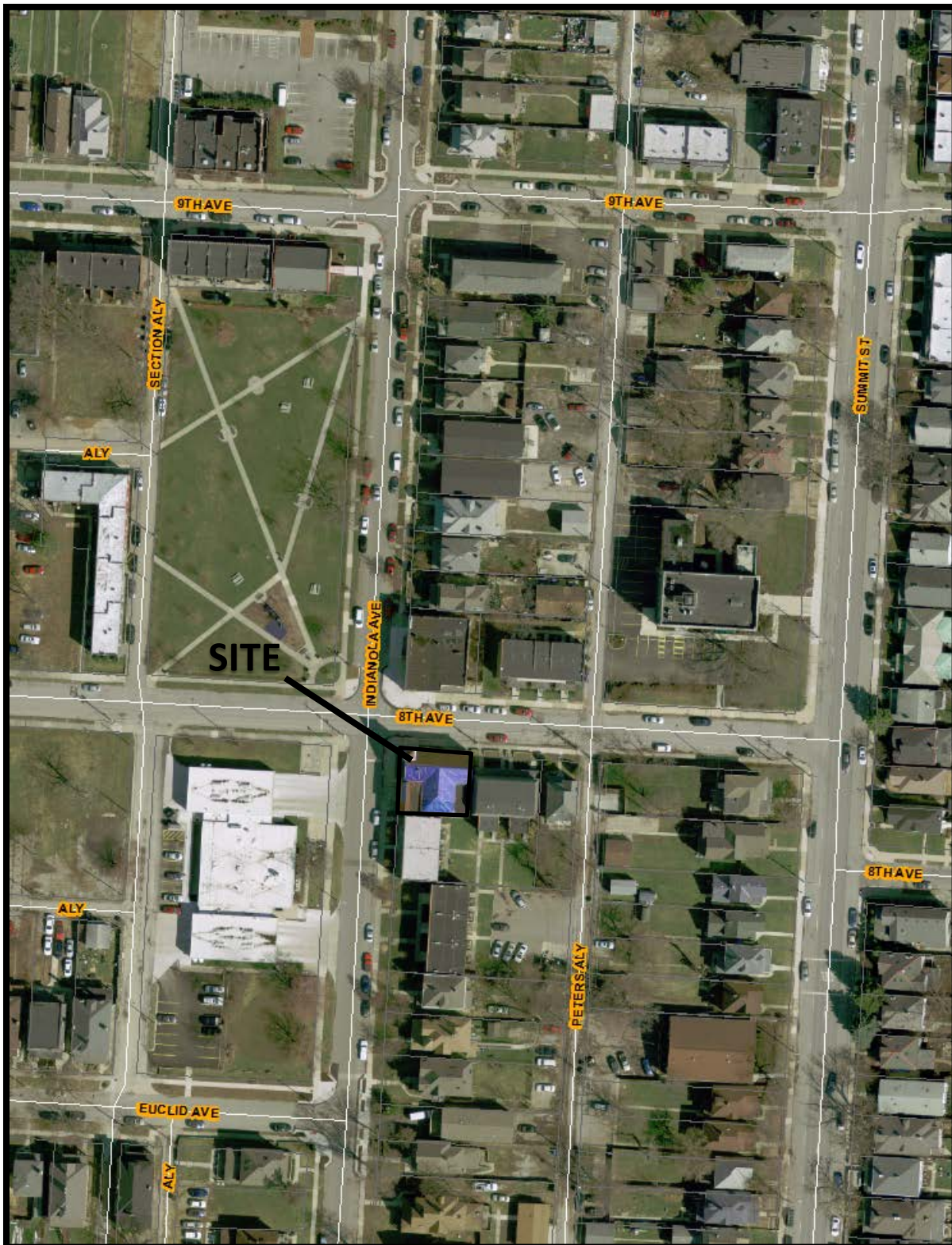




CV16-067  
1436 Indianola Avenue  
Approximately 0.67 acres

Approximately 0.67 acres





CV16-067  
1436 Indianola Avenue  
Approximately 0.67 acres