

## 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: CV16-080 Date Received: 12/23/16  
Application Accepted by: MM + TD Fee: \$320  
Assigned Planner: Assigned to Michael Maret; 614-645-2749; mjmaret@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 2767 Indianola Ave., Columbus, Ohio Zip: 43202

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: 010-034635-00

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

Current Zoning District(s): C4 - Commercial

Area Commission or Civic Association: Clintonville Area Commission

Proposed Use or reason for Council Variance request:

Resolve issues related to residential use of property.

Acreage: 0.11

#### APPLICANT:

Name: Istvan Gajary, Esq. Phone Number: 614.365.7000 Ext.:

Address: Two Miranova Place, Suite 330 City/State: Columbus, Ohio Zip: 43215

Email Address: igajary@petersonconners.com Fax Number: 614.220.0197

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

Name: Gary and Beverly DeLashmutt Phone Number: 614.262.8484 Ext.:

Address: 2767 Indianola Ave. City/State: Columbus, Ohio Zip: 43202

Email Address: delashmuttg@xenos.org Fax Number:

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

Name: Istvan Gajary, Esq. Phone Number: 614.365.7000 Ext.:

Address: Two Miranova Place, Suite 330 City/State: Columbus, Ohio Zip: 43215

Email Address: igajary@petersonconners.com Fax Number: 614.220.0197

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

APPLICANT SIGNATURE Istvan Gajary

PROPERTY OWNER SIGNATURE Gary DeLashmutt Beverly DeLashmutt

ATTORNEY / AGENT SIGNATURE Istvan Gajary

*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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#### 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

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

**PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application 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):**

This application seeks a variance from Sections 3391.05 and 3391.09

of the Columbus City Code.

Although currently zoned C4, the property's current use is a single  
family residence, which is consistent with other structures in the area.

Property owners intend to list the property for sale and anticipate  
issues with prospective buyer's lender's approval of residential loan  
on a property currently zoned commercial without a variance.

Applicant does not believe this variance will negatively affect any  
adjoining property or the general welfare, as the immediate vicinity  
is exclusively residential and not commercial.

Signature of Applicant \_\_\_\_\_

Date

12-23-16

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Cv116-080

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV16-080

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Istvan Gajary, Esq.

of (1) MAILING ADDRESS Two Miranova Place, Suite 330, 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 2767 Indianola Ave., Columbus, Ohio 43202

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 12/23/16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Gary and Beverly DeLashmutt  
2767 Indianola Ave.  
Columbus, OH 43202

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

Istvan Gajary, Esq.  
614.365.7000

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

(5) Clintonville Area Commission  
Dana Bagwell  
3982 N. High St., Columbus, OH 43214  
614.268.2332

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)

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

(8) SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 23<sup>rd</sup> day of December, in the year 2016

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires 10/24/18



CATHERINE J SCHWARTZ  
Notary Public

In and for the State of Ohio  
My Commission Expires  
October 24, 2018  
*This Affidavit expires six (6) months after the date of notarization.*

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Please make checks payable to the Columbus City Treasurer

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

Istvan Gajary, Esq.  
PETERSONCONNERS  
Two Miranova Place, Suite 330  
Columbus, OH 43215

Gary and Beverly DeLashmutt  
2767 Indianola Ave.  
Columbus, OH 43202

Istvan Gajary, Esq.  
PETERSONCONNERS  
Two Miranova Place, Suite 330  
Columbus, OH 43215

**SURROUNDING PROPERTY  
OWNERS**

Barbara J. Lubberger  
2751 Indianola Ave.  
Columbus, OH 43202

Linda L. Schuler  
110 W. First Ave.  
Columbus, OH 43201

The Indy House LLC  
c/o Mary Blank Barnum  
171 Olentangy St.  
Columbus, OH 43202

Jeffrey Hartranft  
2771 Indianola Ave.  
Columbus, OH 43202

Levi J. Tkach  
2777 Indianola Ave.  
Columbus, OH 43202

Levi J. Tkach  
2779 Indianola Ave.  
Columbus, OH 43202

Calvin C. Lehman  
371 Olentangy St.  
Columbus, OH 43202

Wilma J. Lehman  
371 Olentangy St.  
Columbus, OH 43202

Craig L. Wathen  
8225 Green Meadow Dr., N  
Lewis Center, OH 43035

Anthony Scartz  
2145 Lane Woods Dr.  
Columbus, OH 43221

Nicole Shadix  
357 Olentangy St.  
Columbus, OH 43202

Robert Dale LeMaster  
2776 Indianola Ave.  
Columbus, OH 43202

Joy W. Scholl, Trustee  
80 E. Henderson Rd.  
Columbus, OH 43214

Marcy L. Mays  
2764 Indianola Ave.  
Columbus, OH 43202

Doris E. Fuller, Trustee  
347 Richards Road  
Columbus, OH 43214

Sladeco Inc.  
c/o Paul L. Wright  
4266 Tuller Road, Suite 101  
Dublin, OH 43017

Matthew P. Dunatchik  
360 Parkview Dr., Unit A  
Columbus, OH 43202

Ralph L. Young, Jr.  
360 Parkview, Unit B  
Columbus, OH 43202

Kelly L. Young  
360 Parkview, Unit B  
Columbus, OH 43202

Nathan T. Young  
360 Parkview Dr., Unit C  
Columbus, OH 43202

Cara R. Ambrosino  
360 Parkview Dr., Unit D  
Columbus, OH 43202

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### Department of Building & Zoning Services

Scott Messer, Director

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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 # CV16-080

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Istvan Gajary, Esq.

of (COMPLETE ADDRESS) Two Miranova Place, Suite 330, 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. Gary DeLashmutt 2767 Indianola Ave. Columbus, OH 43202 614.262.8484	2. Beverly DeLashmutt 2767 Indianola Ave. Columbus, OH 43202 614.262.8484
3.	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 23rd day of December, in the year 2016

Notary Seal Here

SIGNATURE OF NOTARY PUBLIC

My Commission Expires



CATHERINE J SCHWARTZ  
Notary Public  
In and for the State of Ohio  
My Commission Expires  
October 24, 2018

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# 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: 010034635

Zoning Number: 2767

Street Name: INDIANOLA AVE

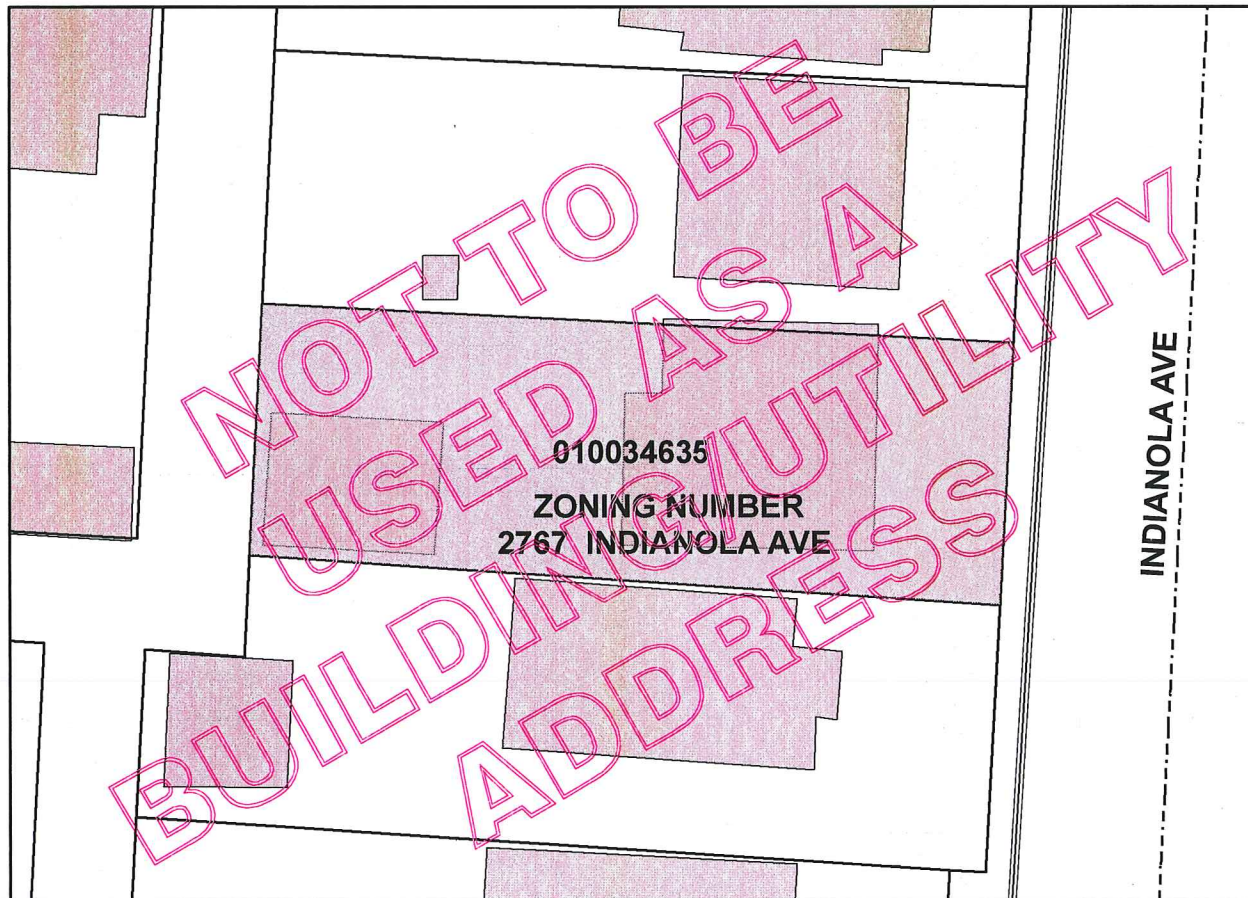
Lot Number: N/A

Subdivision: N/A

Requested By: PETERSON, CONNERS, SWISHER&PEER LLP(ISVAN GAJARY)

Issued By: *Petera Amariam*

Date: 12/6/2016



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

SCALE: 1 inch = 30 feet

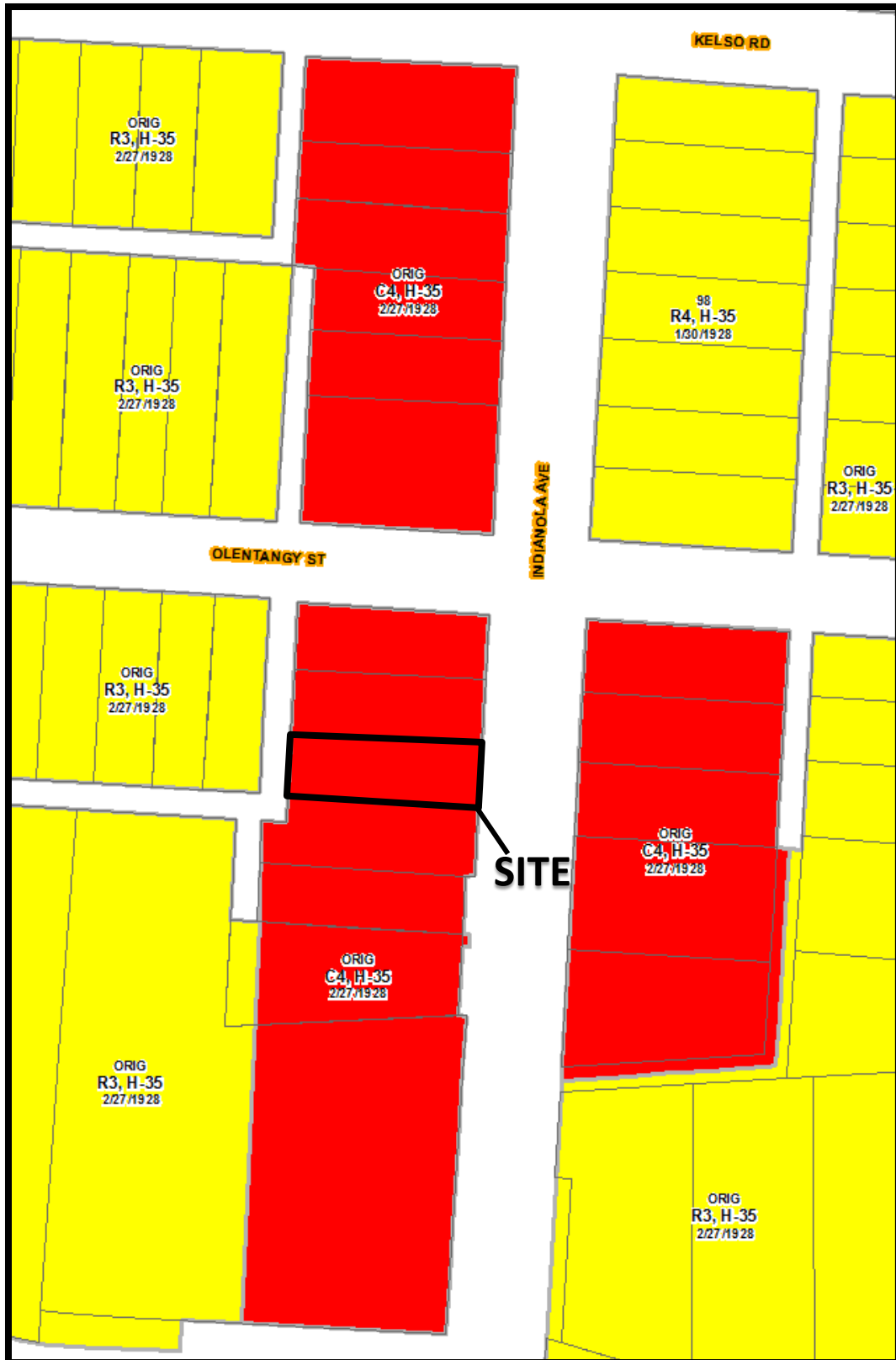
GIS FILE NUMBER: 79802

CV16-080

**LEGAL DESCRIPTION OF THE SUBJECT PROPERTY**

Being Lot Number Four (4), in INDIANOLA PARK VIEW ADDITION No. 4, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 9, Page 13, Recorder's Office, Franklin County, Ohio.

CV16-080



CV16-080  
2767 Indianola Avenue  
Approximately 0.11 acres

Clintonville Neighborhood Plan  
"Multifamily" Recommended

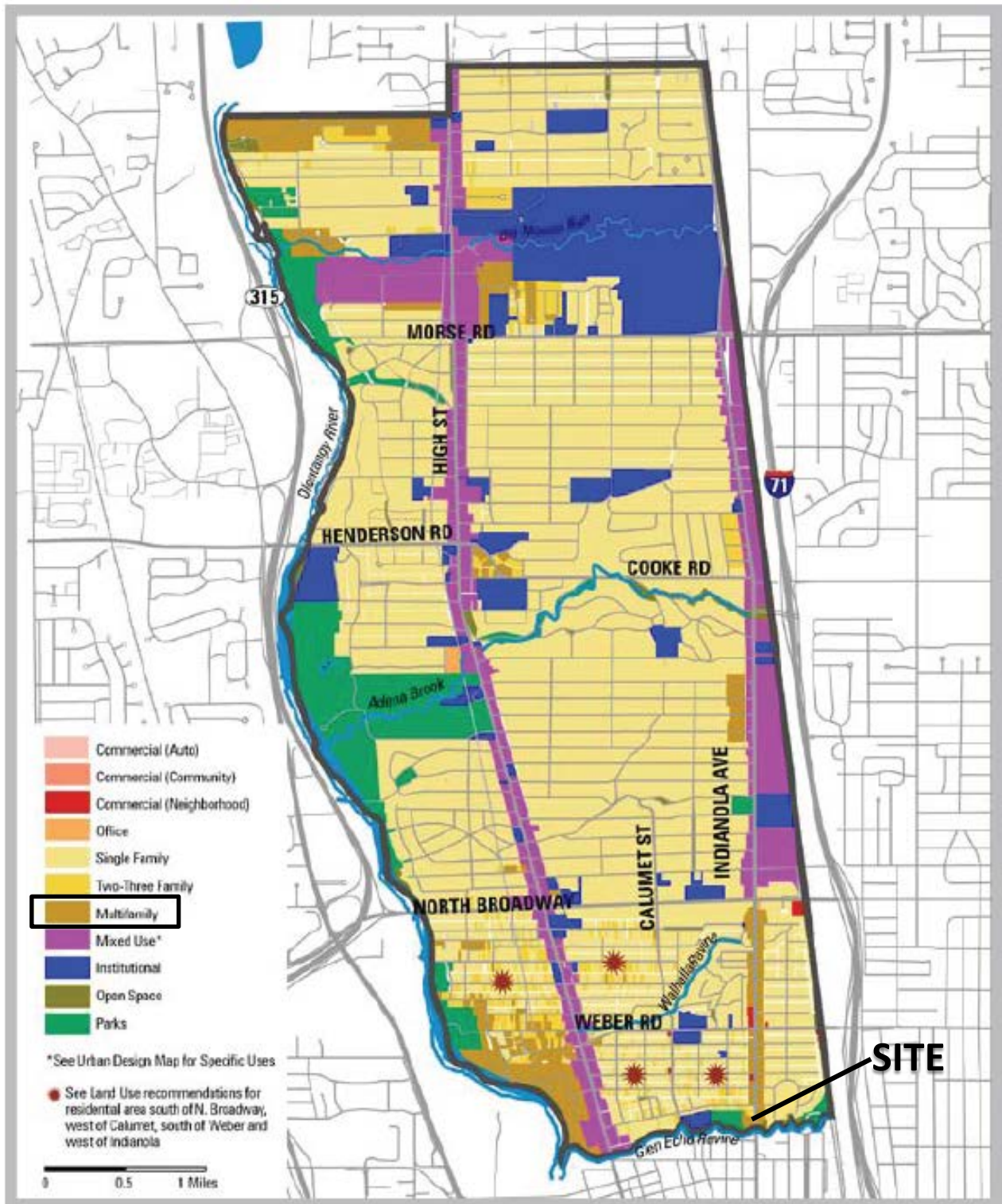
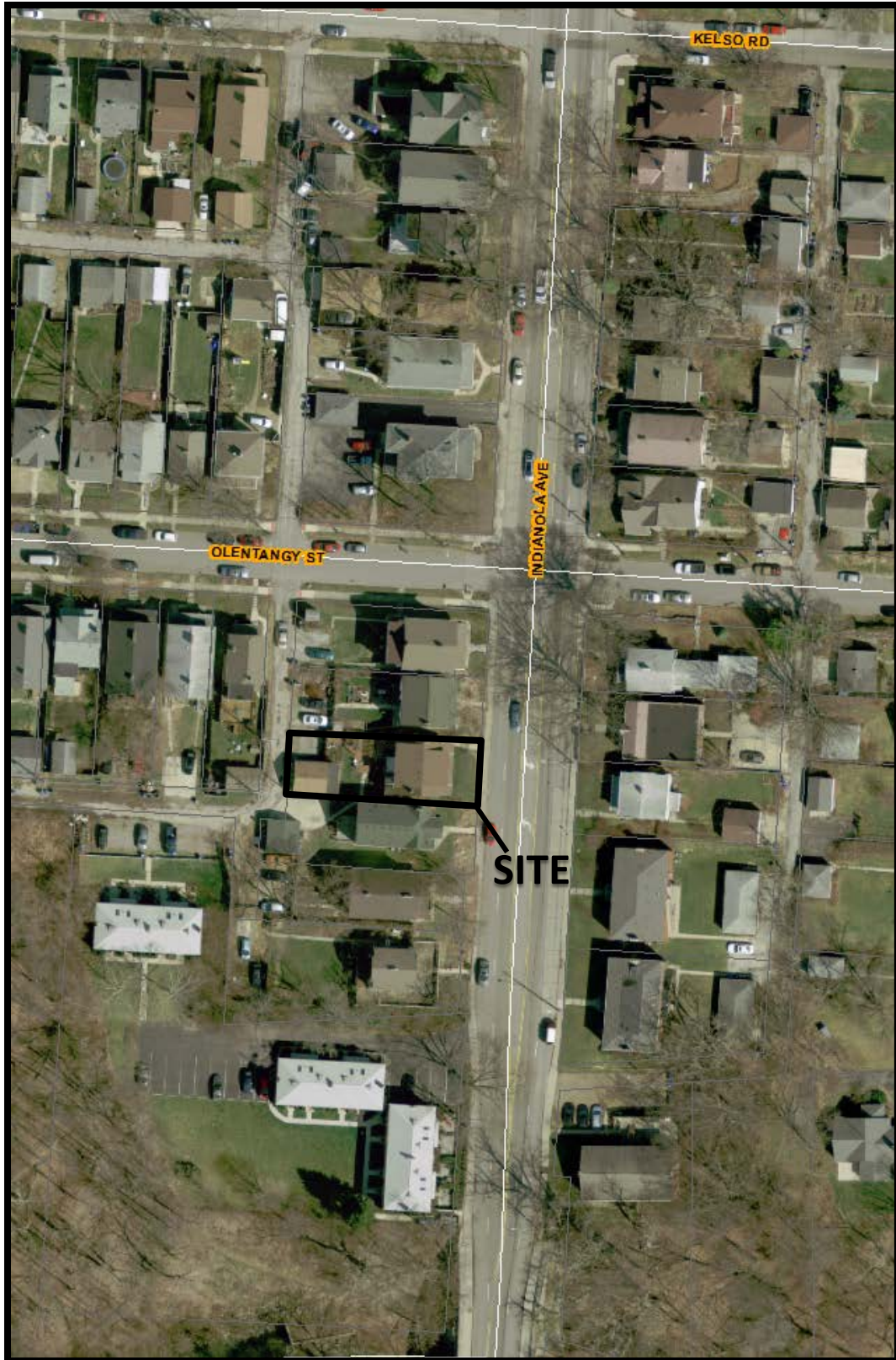


Figure 10 : Land Use Plan



CV16-080  
2767 Indianola Avenue  
Approximately 0.11 acres



CV16-080  
2767 Indianola Avenue  
Approximately 0.11 acres