

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: CV17-016 Date Received: 3/24/17
Application Accepted by: TD & KP Fee: \$1,600
Assigned Planner: Tim Dietrich; 614-645-6665; tedietrich@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 851 North Fourth Street, 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: 010-052161

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

Current Zoning District(s): R, Residential

Area Commission or Civic Association: Italian Village Commission

Proposed Use or reason for Council Variance request:
See Exhibit B, Statement of Hardship

Acreage: 0.06 +/- Ac.

APPLICANT:

Name: Alkhatib Fourth, LLC c/o Donald Plank (Plank Law Firm) Phone Number: 614-947-8600 Ext.: -----

Address: 411 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: Alkhatib Fourth, LLC c/o Donald Plank (Plank Law Firm) Phone Number: 614-947-8600 Ext.: -----

Address: 411 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: 411 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

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

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):

See Exhibit 'B'

Signature of Applicant

Donald Plank

Date *3/23/17*

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

CV17-016

Exhibit B

Statement of Hardship

CV17- 616

851 North Fourth Street, Columbus, OH 43215

The site is located at the southwest corner of North Fourth Street and East First Avenue. It is zoned R-4 from the 1973 area rezoning of Italian Village. The site is developed with a two (2) story building with historical use as ground floor commercial use and second floor residential use. Applicant proposes complete renovation of the building to include ground floor commercial use and two (2) second floor dwelling units. The ground floor is only 1,050 +/- square feet and is proposed for all commercial uses to include office, retail and/or restaurant. The proposed use of the property is consistent with historical use of the property and appropriate for the area. The site is located in the Italian Village Urban Commercial Overlay (UCO).

Applicant has a hardship and practical difficulty with complying with the R-4 district use and current zoning code standards for commercial uses for a building that has historically been used for the uses proposed by this application with current code standards, such as off-street parking, being applied to the historic property.

Applicant requests the following variances:

- 1). Section 3332.039, R-4, Residential District, to permit ground floor commercial use and two (2) dwelling units located above the ground level commercial use.
- 2). Section 3312.13, Driveway, to permit the existing ten (10) foot wide driveway from E. First Avenue.
- 3). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking from 14 spaces to 0 spaces.
- 4). Section 3332.05(A)(4), to reduce the current required lot width at the front lot line from 50 feet to the existing 32 feet fronting N. Fourth Street.
- 5). Section 3332.15, R-4 Area District Requirements, to reduce the required lot area for a principal building from 5,000 square feet to the existing 2,613 +/- square feet.
- 6). Section 3372.604(B), Setback Requirements, to reduce the E. First Avenue parking setback from five (5) feet to two (2) feet.
- 7). Section 3372.605(D), Building Design Standards, to reduce the required window glass (UCO) for the N. Fourth Street and the E. First Avenue frontages to the percentage glass required by the Italian Village Commission.

03-24-2016

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: CV17-016

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank (Plank Law Firm)

of (1) MAILING ADDRESS 411 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

(2) per ADDRESS CARD FOR PROPERTY 851 North Fourth Street, 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) 3/24/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) Alkhatib Fourth, LLC
c/o Donald Plank (Plank Law Firm)
411 E Town Street, 2nd FL
Columbus, Ohio 43215

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

Alkhatib Fourth, LLC
c/o Donald Plank (614) 947-8600

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

(5) Italian Village Commission c/o James Goodman
Historic Preservation Office, 50 W Gay Street, 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)

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

(8) SIGNATURE OF AFFIANT

Donald Plank

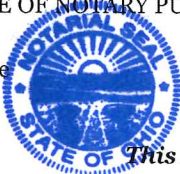
Sworn to before me and signed in my presence this 23rd day of March, in the year 2017

Barbara A. Painter

(8) SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2020
My Commission Expires

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2020

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

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

EXHIBIT A, Public Notice
851 North Fourth Street
CV17- 016
March 23, 2017

APPLICANT

Alkhatib Fourth, LLC
c/o Donald Plank, Plank Law Firm
411 E Town Street, 2nd Floor
Columbus, Ohio 43215

PROPERTY OWNER

Alkhatib Fourth, LLC
c/o Donald Plank, Plank Law Firm
411 E Town Street, 2nd Floor
Columbus, Ohio 43215

ATTORNEY

Donald Plank, Plank Law Firm
411 E Town Street, 2nd Floor
Columbus, OH 43215

COMMUNITY GROUP:

Italian Village Commission
c/o James Goodman
Historic Preservation Office
50 West Gay Street, 4th Floor
Columbus, Ohio 43215

PROPERTY OWNERS WITHIN 125 FEET

Jeffrey New Day Community (*or current occupant*)
575 West 1st Avenue
Columbus, Ohio 43215

JDS Jeffrey Partners, LLC (*or current occupant*)
447 E Main Street, Suite 200
Columbus, Ohio 43215

Blankenship Family LLC (*or current occupant*)
1020 Dennison Avenue, Suite 102
Columbus, Ohio 43201-3497

844 Hamlet LLC (*or current occupant*)
797 Summit Street
Columbus, Ohio 43215-1519

Kramer Place Acquisition, LLC (*or current occupant*)
40 Skokie Boulevard, Suite 610
Northbrook, IL 60062-1602

C&W Investment CO. 2, LLC (*or current occupant*)
1020 Dennison Avenue, Suite 102
Columbus, Ohio 43201-3497

New Victorians 1, LLC (*or current occupant*)
455 W 3rd Avenue
Columbus, Ohio 43201-3363

Billy Kazee (*or current occupant*)
397 West 2nd Avenue
Columbus, Ohio 43201

Mark A Potick (*or current occupant*)
1101 Mount Pleasant Avenue
Columbus, Ohio 43201

Robert E Malloy (*or current occupant*)
185 East First Avenue
Columbus, Ohio 43202

Laurence J and Barbara J Corley (*or current occupant*)
183 East First Avenue
Columbus, Ohio 43201

William H Carroll (*or current occupant*)
1871 Ardwick Road
Columbus, Ohio 43220-4453

Dawn W Kurzynowski (*or current occupant*)
186 East First Avenue
Columbus, Ohio 43201

David M and Katherine L Kennedy (*or current occupant*)
188 East First Avenue
Columbus, Ohio 43201

851 North Fourth Street
CV17- 016, March 23, 2017
Exhibit A, Public Notice
Page 1 of 2

ALSO NOTIFY:

David B. Perry
David Perry Company, Inc.
411 East Town Street, 1st FL
Columbus, OH 43215

Alkhatib Fourth, LLC
Attn: Mr. Kevin Lykens
1020 Dennison Avenue, Suite 102
Columbus, Ohio 43201-3497

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 # CV17-016

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm)
of (COMPLETE ADDRESS) 411 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. Alkhatib Fourth, LLC 1020 Dennison Avenue, Suite 102 Columbus, Ohio 43201-3497 # of Columbus Based Employees: 0 Contact: Kevin Lykens (614) 565-4209	2. Lykens Companies 1020 Dennison Avenue, Suite 102 Columbus, Ohio 43201-3497 # of Columbus Based Employees: 0 Contact: Kevin Lykens (614) 565-4209
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 23rd day of March, in the year 2017

Barbara A. Painter

SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2020

My Commission Expires

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2020

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

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: 010052161

Zoning Number: 851

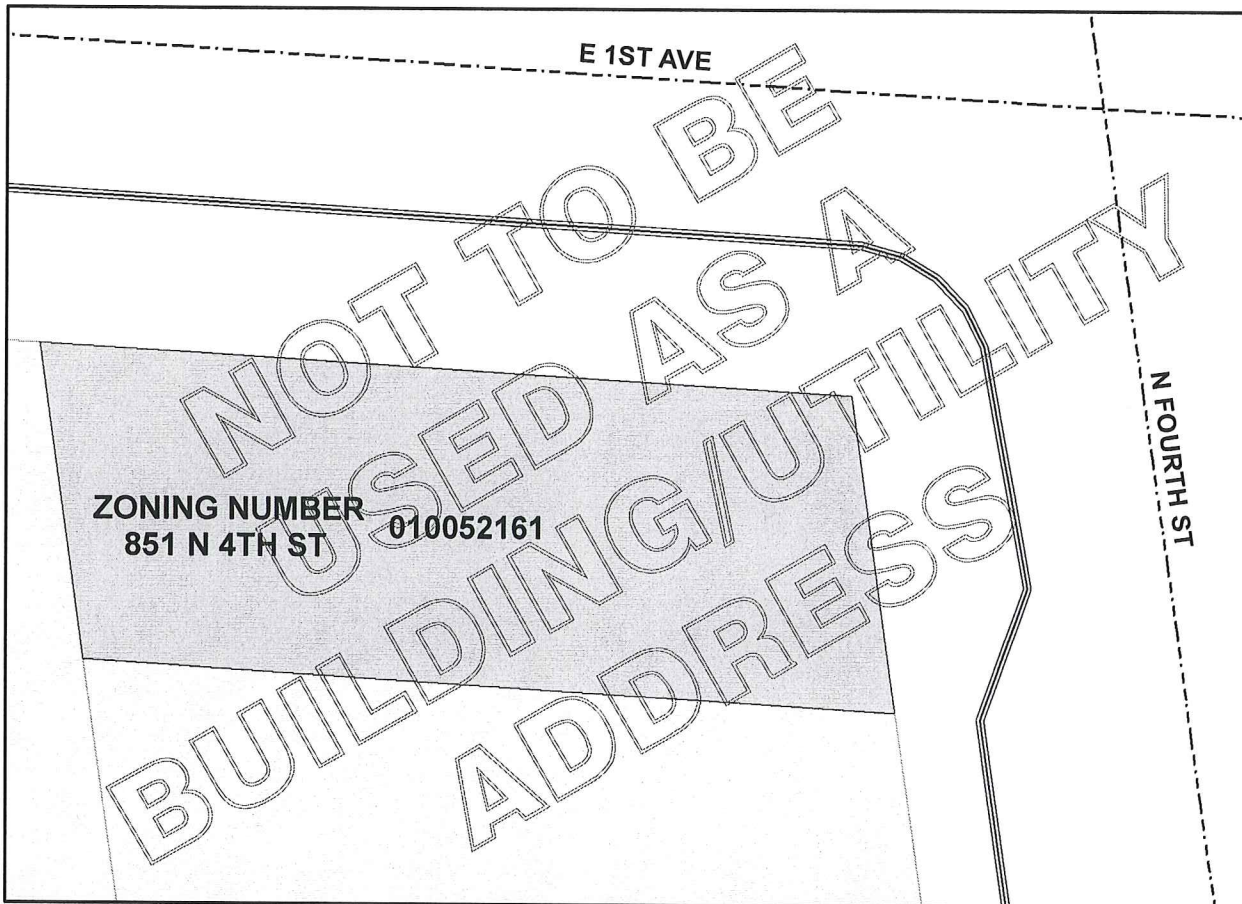
Street Name: N 4TH ST

Lot Number: 6 & 7

Subdivision: C W RICE

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

Issued By: *Adyana Amarian* Date: 3/22/2017



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

SCALE: 1 inch = 20 feet

GIS FILE NUMBER: 87798

851 North Fourth Street, Columbus, Ohio 43215

Legal Description (0.06 +/- Acres)

CV17- 016

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

Being thirty-three (33) Feet off of the north end of Lot Numbers Six and Seven (6 & 7) of Charles W. Rice's Subdivision of Lot Numbers Fifty-three and Fifty-four (53 & 54) of Williams Phelan's Mount Pleasant Addition to the said city, as the same are numbered and delineated upon the recorded thereof, of record in Plat Book 1, Page 393 Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at the northwest corner of Lot Number Six (6) of Charles W. Rice's Subdivision of Lots Numbers 53 and 54 of William Phelan's Mount Pleasant Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 393, Recorder's Office, Franklin County, Ohio; thence eastwardly along the south line, of First Avenue, 84.42 feet to North Fourth Street (formerly known as North Fifth Street); thence southerly along the west line of Fourth Street (formerly Fifth Street) 33 feet to a point; thence westerly parallel with First Avenue; 84.42 feet to the west line of Lot Number 6; thence northerly along the west line of Lot Number 6, 33 feet to the point of beginning, and being a part of Lot Numbers 6 and 7 of the above subdivision.

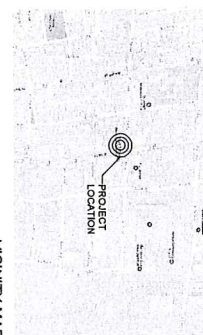
Parcel Number: 010-052161-00

3/22/2017

PARKING CALCULATIONS

Proposed Use (1)(2)	Area	Parking Ratio/spaces	Indian Village Urban Parking Reduction	Code Required Parking
First Floor Restaurant	1,007 +/- SF	1 space/75 SF, 14 spaces	N/A	3 spaces
Second Floor Residential - 2 DU	1,355 +/- SF	1.5 space/DU, 3 spaces	25% reduction	11 spaces
TOTAL REQUIRED PARKING (3)	2,363 +/- SF			14 spaces
TOTAL PROVIDED PARKING (3)				0 spaces

- (1) Residential and restaurant parking shown for example. Any mix of commercial use, including retail use, is permitted subject to the applicable minimum number of parking spaces provided.
- (2) Retail parking not calculated since required parking is less than restaurant parking.
- (3) Total parking includes two (2) ADA spaces.

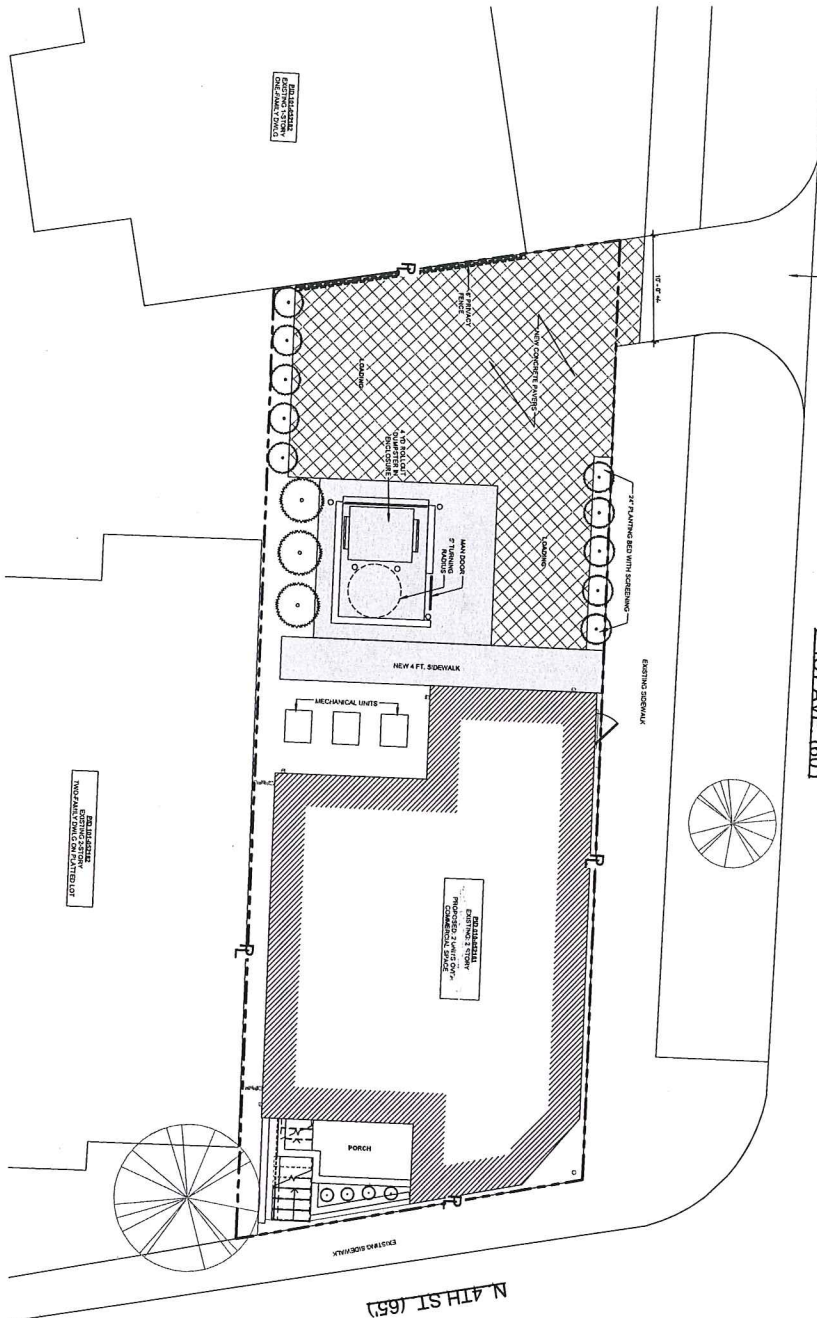


VICINITY MAP



SITE TOTAL AREA

PAGE 6 TOTAL SITE AREA	AREA (SQ)	AREA (AC)
PID - 101 - 082151	287.77	0.67



SITE PLAN

851 N FOURTH ST.
LYKENS COMPANIES

SHREMSHOCK

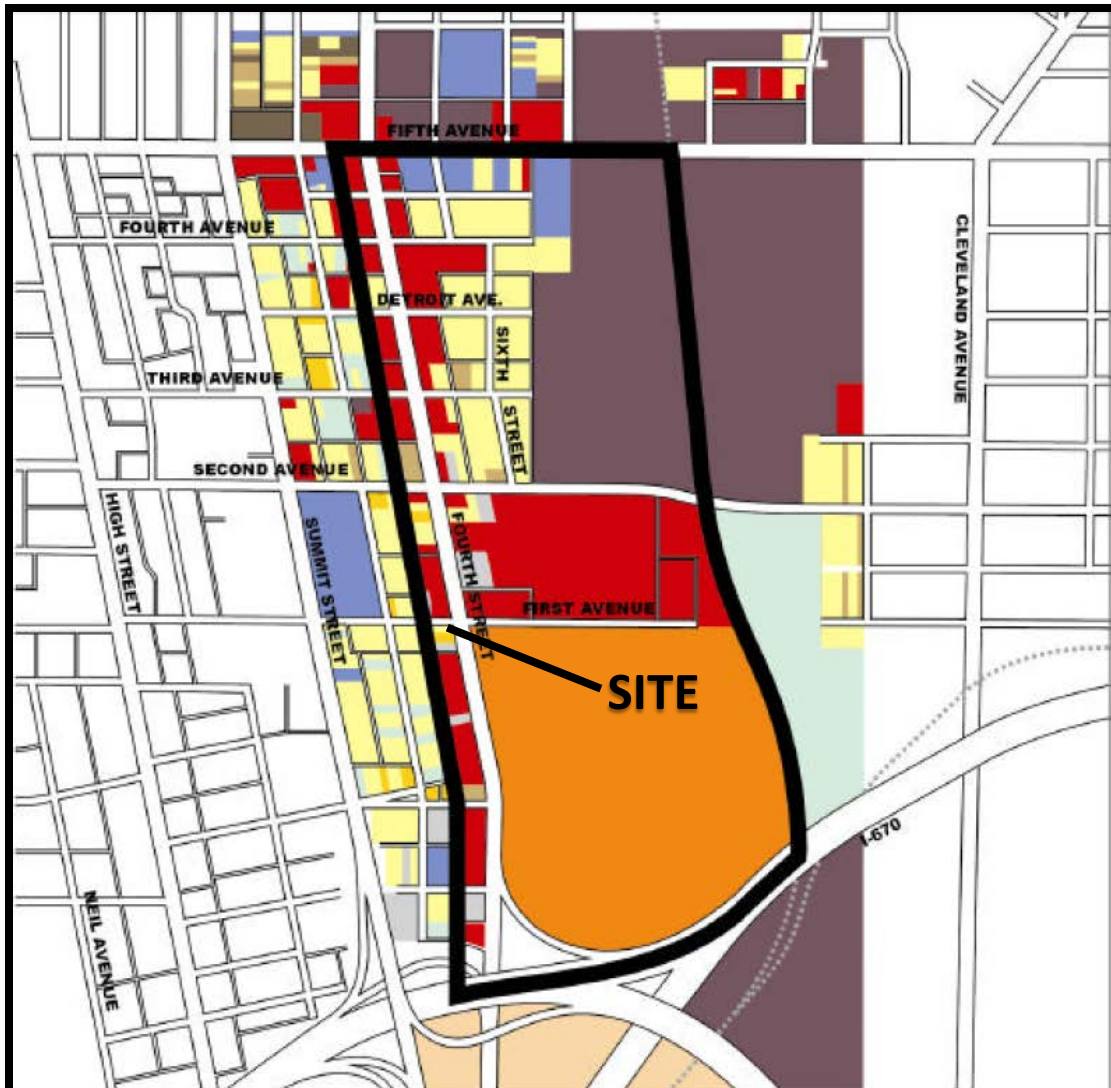
SHREMSHOCK ARCHITECTS, INC.
7400 West Campus Road Suite 150 New Albany, OH 43054
T 614 545 4550 F 614 545 4555 www.shremshock.com

TITLE
ARCHITECTURAL SITE
PLAN
SCALE: AS SHOWN
DATE: 02/21/17
DRAWN BY: CDR/117
CHECKED BY: CDR/117
DATE: 02/21/17
PROJECT: 160001
SHEET: 160001
A001

CV17-016



CV17-016
851 North Fourth Street
Approximately 0.06 acres



Italian Village East

Proposed Land Use



January 2000



	Residential (1 - 2 units)
	Residential (3 - 4 units)
	Residential (> 4 units)
	Mixed Use
	Commercial
	Manufacturing
	Institutional
	Parks/Open Space
	Vacant Lots/Buildings
	Parking
	Downtown District



City of Columbus
Michael B. Coleman, Mayor
Department of Trade and Development
Mark Barabasi, Director

Planning Office
Stephen R. McGarry, Administrator
Urban Design Section
Larry D. Leuss, Graphic Designer

CV17-016
851 North Fourth Street
Approximately 0.06 acres



CV17-016
851 North Fourth Street
Approximately 0.06 acres