

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: CV17-032 Date Received: 4/25/17

Application Accepted by: SP & MM Fee: \$1600

Assigned Planner: Shannon Pine; 614-645-2208; spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 97 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: 010-005514

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

Current Zoning District(s): R-4 & C-4 WITH COUNCIL VARIANCE (CV14-053) (ORD #1518-2015)

Area Commission or Civic Association: ITALIAN VILLAGE COMMISSION

Proposed Use or reason for Council Variance request:

AMENDMENT TO SITE PLAN APPROVED BY CV14-053

Acreage: 0.680

APPLICANT:

Name: Connie J. Klema Attorney Phone Number: 614 374 8488 Ext.: N/A

Address: PO Box 991 City/State: PATASKALA OH Zip: 43062

Email Address: cklemaattorney@gmail.com Fax Number: N/A

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

Name: BPBH PARTNERS LLC Phone Number: 614-264-5044 Ext.: N/A

Address: 600 Stonehenge Parkway 2nd Fl City/State: Dublin OH Zip: 43017

Email Address: JBaur@BORROR.COM Fax Number: N/A

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

Name: Connie J. Klema Attorney Phone Number: 614 374 8488 Ext.: N/A

Address: PO Box 991 City/State: PATASKALA OH Zip: 43062

Email Address: cklemaattorney@gmail.com Fax Number: N/A

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

APPLICANT SIGNATURE Connie J. Klema attorney

PROPERTY OWNER SIGNATURE Connie J. Klema Attorney on behalf of BPBH Partners LLC

ATTORNEY / AGENT SIGNATURE Connie J. Klema attorney

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):

See ATTACHED

Signature of Applicant

Conni J. Klein attorney

Date

4/18/17

CV17-032

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STATEMENT OF HARDSHIP

97 EAST FIFTH AVENUE

The subject property is located on the southwest corner of East Fifth Avenue and Summit Street. The property has high visibility at this intersection which provides major east-west (Fifth Avenue) and north-south (Summit Street) traffic routes.

The subject property was originally part of a larger 0.90+/- acre tract that incorporated five parcels zoned either R-4 or C-4. In 2015, the 0.90+/- acre tract was approved for 3 buildings as a mixed-use development by means of a Council variance. After the first building was constructed it was converted to residential condominiums and was thereby split from the 0.90 acre tract leaving the subject 0.680 property which is currently not developed.

While the current owner wishes to develop the property with the same mixed-uses that were approved in the 2015 Council variance, the owner wishes to eliminate one of the buildings and alter the footprint and design of the third building. Such alterations of the 2015 Council variance require a new Council variance.

To maintain the mixed-use development plan originally approved in the 2015 Council variance with the alterations described above, the variances already approved in the 2015 Council variance must be repeated. And, since the alterations to the site plan are minor, the proposed altered site plan does not present new or additional practical difficulties or unusual hardships that require new or additional variances. As such, the current variance request does not seriously affect the adjoining property or the general welfare.

LIST OF VARIANCES

97 EAST FIFTH AVENUE

1. 3333.035; R-4, Apartment Residential District: To permit a mixed-use building to have commercial uses and parking on the portion of the property zoned R-4.
2. 3309.14; Height Districts: To permit the property to have a maximum building height district of 65 feet.
3. 3332.29; Height District: To permit the portion of the property zoned R-4 to have a mixed-use building that exceeds the height of 35' and is a maximum height of 65 feet.
4. 3312.13(B); Driveway: To permit a driveway serving a mixed-use building with commercial and residential parking to be less than 20 feet wide and to be 12 feet wide at the access to Greenwood Avenue.
5. 3332.18(D); Basis of Computing Area: To permit the mixed-use building on the portion of the property zoned R-4 to occupy greater than 50 percent of the lot area and to occupy one-hundred percent (100%) of the R-4 portion or the property.
6. 3332.25; Maximum Side Yards Required: To permit the sum of the widths of the side yards to be less than 6.5 feet and to be zero feet.
7. 3332.26(C); Minimum Side Yard Permitted: To permit the side yards in portion of the property zoned R-4 to be less than five (5) feet and to be zero feet.
8. 3332.27; Rear Yard: To permit the rear yard in the portion of the property zoned R-4 to be less than twenty-five percent (25%) of the total lot area and to permit no rear yard.
9. 3372.604; Setback Requirements: To permit the maximum setback along Summit Street to be greater than ten feet and to be a maximum of thirty-one feet.

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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: CV17-032

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME CONNIE J. KLEMA ATTORNEY

of (1) MAILING ADDRESS P.O. BOX 991 PATASKALA OH 43062

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 97 E. FIFTH AVE

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 4/25/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

AND MAILING ADDRESS

(4) BPBM PARTNERS LLC

600 STONEHENGE PARKWAY 2ND FL
DUBLIN, OH 43017

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

CONNIE J. KLEMA ATTORNEY
614 374 8488

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) ITALIAN VILLAGE COMMISSION

JAMES GOODMAN
HISTORIC PRESERVATION OFFICE, 50 W 64th ST, 4TH FL.
COLUMBUS OH 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

Connie J. Klema

Sworn to before me and signed in my presence this 24th day of April, in the year 2017

(9) SIGNATURE OF NOTARY PUBLIC

Nicole L. Mayabb
9-28-2020
My Commission Expires

Notary Seal Here



NICOLE L. MAYABB
Notary Public, State of Ohio

This My Commission Expires six (6) months after the date of notarization.
September 28, 2020

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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 # CV17-032

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) CONNIE J. KLEMA ATTORNEY

of (COMPLETE ADDRESS) P.O. Box 991 PATASKALA OH 43062

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. Douglas G. BORROR 600 Stonehenge Parkway 2ND FL. Dublin OH 43017	2. LORIBETH M. STEINER 600 Stonehenge Parkway 2ND FL. DUBLIN OH 43017
3. Single Family Ventures	4. * BPB34 PARTNERS LLC 600 Stonehenge Parkway 2ND FL. DUBLIN OH 43017 X Cons. Based Employees

☐ Check here if listing additional property owners on a separate page. Jeff Baum 614-264-5044

SIGNATURE OF AFFIANT

Connie J. Klema

Sworn to before me and signed in my presence this 24th day of April, in the year 2017

Nicole L. Mayabb

SIGNATURE OF NOTARY PUBLIC

9-28-2020
My Commission Expires

Notary Seal Here



NICOLE L. MAYABB
Notary Public, State of Ohio
My Commission Expires
September 28, 2020

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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: 010005514

Zoning Number: 97

Street Name: E 5TH AVE

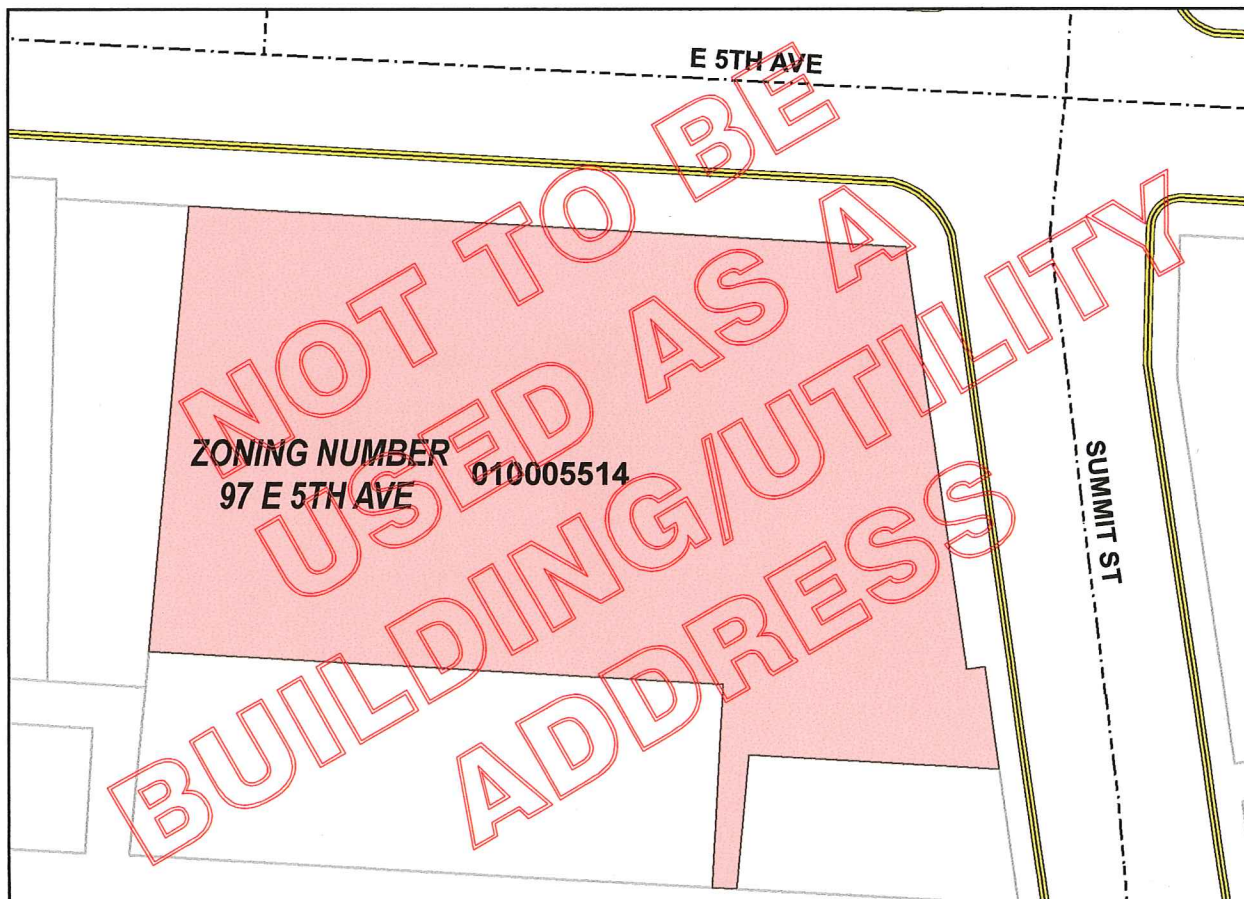
Lot Number: N/A

Subdivision: N/A

Requested By: CONNIE KLEMA (ATTORNEY)

Issued By: *Adriana Amariam*

Date: 4/20/2017



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 90356

CV17-032

Description of a 0.680 Acre Tract

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Half Section 5, Township 5, Range 22, Refugee Lands, being part of Lots 1 through 5 of Milbury M. Green's Subdivision of record in Plat Book 2, Page 177 (destroyed by fire), being part of Lot 4 of S.C. Dumm's Subdivision of record in Plat Book 4, Page 90, being a 0.680 acre tract of land out of Tracts One (1) through Six (6) described in a deed to Burwell Investments, LLC of record in Instrument Number 201410010129072, and being more particularly described as follows:

BEGINNING at an iron pin set at the southwest corner of Lot 4 of said S.C. Dumm's Subdivision, being on the north right-of-way line of a 12 foot alley as shown on S.C. Dumm's Subdivision, and being at the southeast corner of Lot 3 of said S.C. Dumm's Subdivision as described in a deed to Steven G. Godek of record in Instrument Number 200601200013050;

Thence North $00^{\circ}56'36''$ East, a distance of 126.23 feet with the east line of said Lot 3 and with the west line of said Lot 4, to an iron pin set at the most westerly southwest corner of a 0.039 acre tract of land described in a deed to the City of Columbus, Ohio of record in Instrument Number 201511170162585;

Thence with the south and west lines of said 0.039 acre tract the following three (3) courses and distances:

- 1) South $86^{\circ}44'19''$ East, a distance of 221.65 feet, to an iron pin set;
- 2) South $08^{\circ}14'44''$ East, a distance of 110.85 feet, to an iron pin set;
- 3) North $81^{\circ}45'16''$ East, a distance of 5.00 feet, to an iron pin set at the southeast corner of said 0.039 acre tract, being on the west right-of-way line of Summit Street (60 feet wide) as dedicated in Plat Book 1, Page 302, and being on the east line of Lot 1 of said Milbury M. Green's Subdivision;

Thence South $08^{\circ}14'44''$ East, a distance of 32.20 feet with the west right-of-way line of said Summit Street and with the east line of said Lot 1, to a 1" iron pipe found at the northeast corner of a 0.06 acre tract of land described in a deed to Kyle A. Schriener of record in Instrument Number 201106140074324;

Thence North $86^{\circ}42'44''$ West, a distance of 65.44 feet with the north line of said 0.06 acre tract, to a $3/4$ " iron pin found at the northwest corner of said 0.06 acre tract, being on the west line of said Lot 1 and being on the east line of Lot 2 of said Milbury M. Green's Subdivision;

Thence South $04^{\circ}09'03''$ West, a distance of 34.23 feet with the west line of said Lot 1 and with the east line of said Lot 2, to a $3/4$ " iron pin found at the southwest corner of said 0.06 acre tract, being at the southwest corner of said Lot 1, being at the southeast corner of said Lot 2, and being on the north right-of-way line of Greenwood Avenue (30 feet wide);

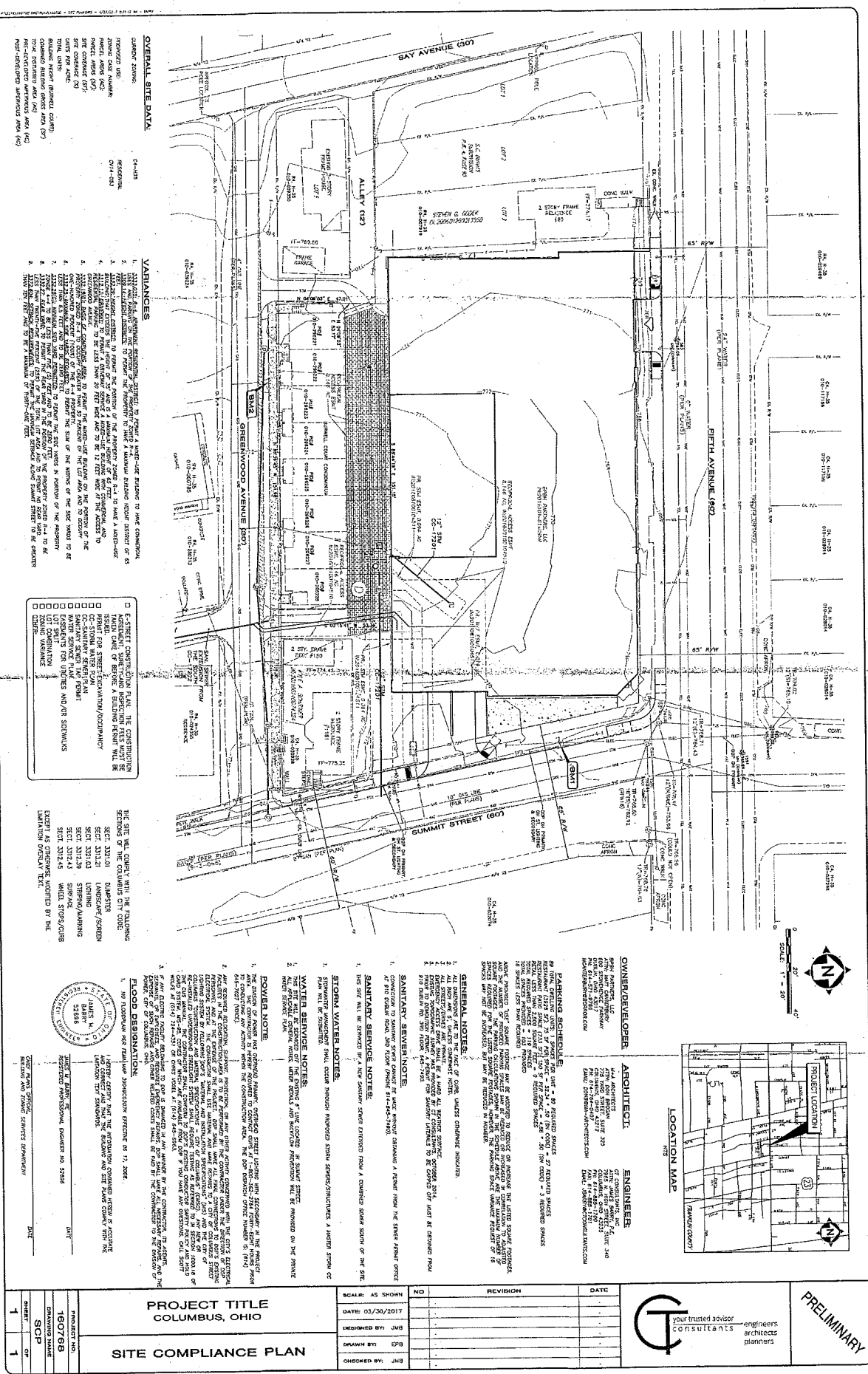
Thence North $86^{\circ}44'19''$ West, a distance of 151.15 feet with the north line of said 0.185 acre tract, to an iron pin set at the northwest corner of said 0.185 acre tract, being on the west line of Lot 5 of said Milbury M. Green's Subdivision, and being on the east line of Lot 4 of said S.C. Dumm's Subdivision;

Thence South $04^{\circ}09'03''$ West, a distance of 6.16 feet with the west line of Lot 5 of said Milbury M. Green's Subdivision and with the east line of Lot 4 of said S.C. Dumm's Subdivision, to a $5/8''$ iron pin found with a J&J cap at the southeast corner of said Lot 4 and being on the north right-of-way line of said 12 foot alley;

Thence North $86^{\circ}39'45''$ West, a distance of 25.26 feet with the south line of said Lot 4 and with the north right-of-way line of said 12 foot alley, to the **TRUE POINT OF BEGINNING** containing 0.680 acres of land, more or less.

Basis of Bearing: Bearings are based on data acquired by GPS observations as per NAD 83 (2011) - Ohio State Plane Coordinate System - South Zone from City of Columbus Monuments 11-83 and 15-83 Reset, the bearing between them being South $06^{\circ}42'08''$ West.

The above description is based on and referenced to an exhibit titled "Plat of Survey of a 0.680 Acre Tract" prepared by CT Consultants, attached hereto and made a part hereof. All iron pins set are $5/8''$ solid iron pins 30" in length with a yellow plastic cap stamped "CT Consultants". All references are to the records of the Recorder's Office, Franklin County, Ohio.



OVERALL SITE DATA

OWNER: [Name]
PROJECT: [Name]
ADDRESS: [Address]
CITY: [City]
STATE: [State]
ZIP: [ZIP]

VARIANCES

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PROJECT TITLE
COLUMBUS, OHIO

SITE COMPLIANCE PLAN

OWNER/DEVELOPER: [Name]
ARCHITECT: [Name]
ENGINEER: [Name]

GENERAL NOTES:

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REVISION

NO	DATE	DESCRIPTION
1	03/30/2017	DATE: 03/30/2017
2		DESIGNED BY: JMB
3		DRAWN BY: JMB
4		CHECKED BY: JMB

PROJECT NO. 160768
SCIP

STORM WATER NOTES:

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PRELIMINARY

PROJECT LOCATION

LOCATION MAP

DATE: 03/30/2017

DESIGNED BY: JMB

DRAWN BY: JMB

CHECKED BY: JMB

PROJECT NO.: 160768

SCIP

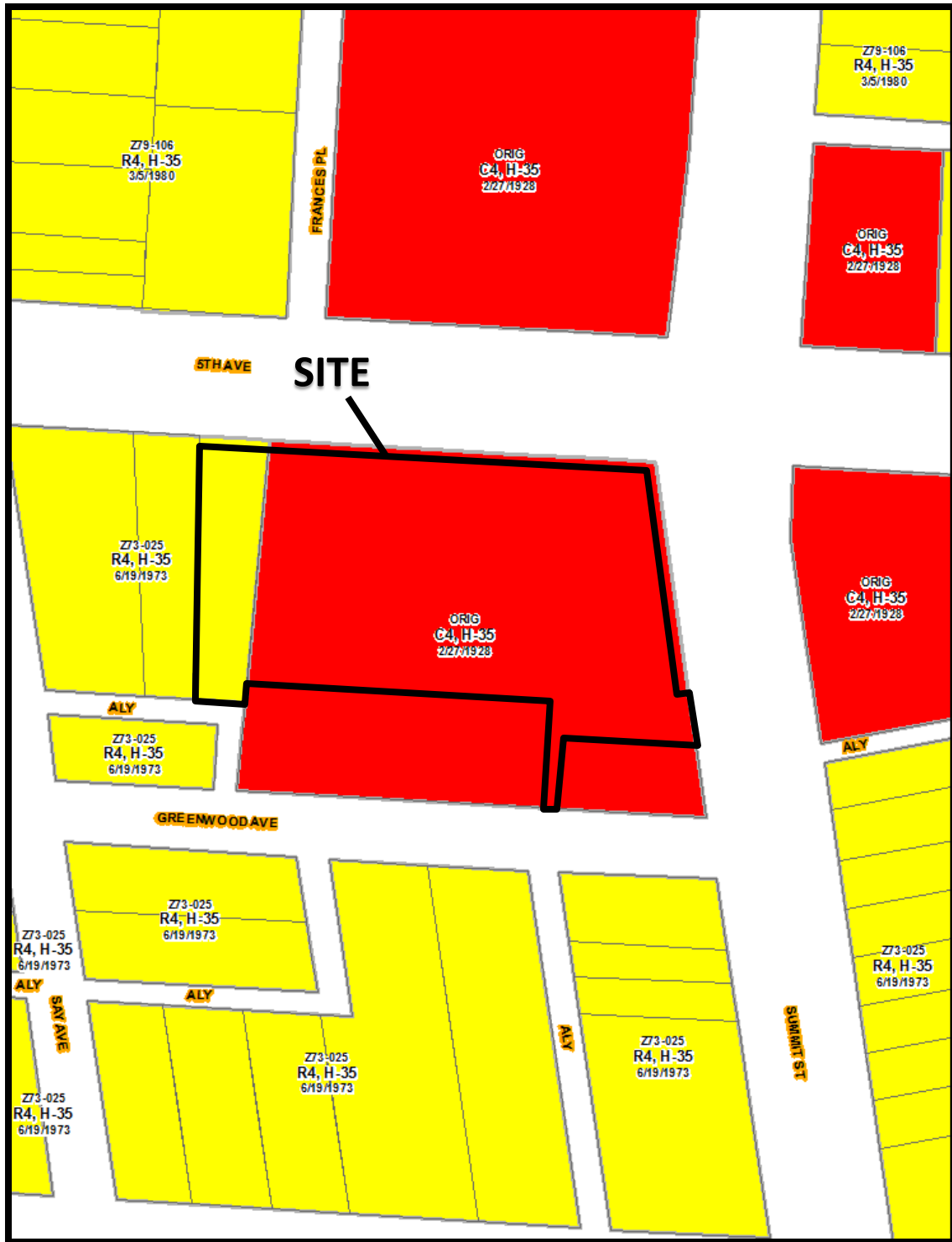
OWNER/DEVELOPER: [Name]

ARCHITECT: [Name]

ENGINEER: [Name]

SEWERAGE NOTES:

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CV17-032
97 East Fifth Avenue
Approximately 0.68 acres



CV17-032
97 East Fifth Avenue
Approximately 0.68 acres