

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: CV17-053

Date Received: 8/14/2017

Application Accepted by: SP

Fee: N/A - converted from

Assigned Planner: Assigned to Shannon Pine; 614-645-2208

BZA17-084

spine@columbus.gov

**LOCATION AND ZONING REQUEST:**

Certified Address or Zoning Number: 279 E. 5TH 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: 010-031324-00

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

Current Zoning District(s): Z94-097, MANUFACTURING L1M

Area Commission or Civic Association: ITALIAN VILLAGE

Proposed Use or reason for Council Variance request:

PARKING REQUIREMENTS FOR FITNESS CENTER EXCEEDS EXISTING PARKING SPACES WITH NO ROOM FOR EXPANSION. FITNESS CENTER USE REQUIRES SPECIAL CONSIDERATION FOR THIS ZONING DISTRICT.

Acres: .61

**APPLICANT:**

Name: RYAN McFADYEN

Phone Number: 614-440-3513

Ext.: -

Address: 47 CLARK PLACE

City/State: Columbus OH

Zip: 43201

Email Address: info@cchiostrength.com

Fax Number: \_\_\_\_\_

**PROPERTY OWNER(S)**

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

Name: FK IV LP Attn: MR. FRED MALOOF

Phone Number: 614-271-7572

Ext.: -

Address: 2362 N. HIGH STREET

City/State: Columbus OH

Zip: 43202

Email Address: mmaloof@columbus-rr.com

Fax Number: \_\_\_\_\_

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

Name: CRAG SMITH / BOYDEN ARCHITECTS

Phone Number: 614-421-7774

Ext.: 24

Address: 850 KING AVENUE

City/State: Columbus, OH

Zip: 43212

Email Address: craig@boyden.com

Fax Number: 614-421-2213

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

APPLICANT SIGNATURE [Signature]

8/11/17

PROPERTY OWNER SIGNATURE [Signature]

8-11-17

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 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

Rev 6/17 slp

## COUNCIL VARIANCE APPLICATION

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### STATEMENT OF HARDSHIP

Application Number: CV17-053

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

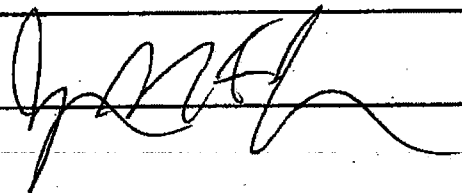
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**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):

TODAY'S REQUEST INVOLVES TWO ITEMS - A VARIANCE TO ZONING CODE 3312.49-PARKING.  
AND NOW AN APPLICATION FOR A VARIANCE TO ALLOW A FITNESS STUDIO USE WITHIN  
THE APPROXIMATE 9,500 SF OF THE EXISTING FACILITY AT 279 E. FIFTH STREET.  
THE FITNESS STUDIO USE WILL REQUIRE A VARIANCE TO ZONING CODE 3370.05-  
LIMITED OVERLAY PERMITTED USES AND 3363.01-OFFICE USE. THE  
USE OF A FITNESS CLUB IN THE AREA/NEIGHBORHOOD DOES NOT HAVE  
A NEGATIVE IMPACT ON THE SURROUNDING PROPERTIES ZONED FOR OFFICE OR  
LESS OBSTRUCTABLE MANUFACTURING USES. THE FITNESS STUDIO SHOULD FIT  
WELL WITHIN THE CHARACTER OF THE NEIGHBORHOOD.

Signature of Applicant



Date

8/16/17

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV17-053

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn **(1) NAME** Craig Smith / Bogden Architects Inc.

of **(1) MAILING ADDRESS** 850 King Ave, Columbus, OH 43212

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 CERTIFIED ADDRESS FOR ZONING PURPOSES** 279 E 5th Avenue

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on **(3)** 9/14/2017

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

**(4)** F K I V L P Attn: Mr. Mike Maloof

2362 N. High Street, Columbus, OH 43202

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

Craig Smith / Bogden Architects Inc.

(614) 421-7774 ex24

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

**(5)** Italian Village Commission

James Goodman

(614) 645-7920 jagoodman@columbus.gov

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**

Craig C. Smith Jr.

Sworn to before me and signed in my presence this 14<sup>th</sup> day of August, in the year 2017

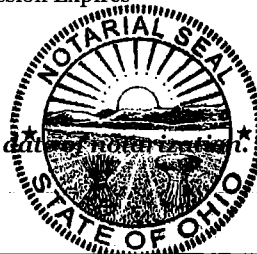
**(8) SIGNATURE OF NOTARY PUBLIC**

Belinda Menix

12-9-17  
My Commission Expires

Notary Seal Here

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



**BELINDA MENIX**  
Notary Public, State of Ohio  
My Commission Expires  
**12-09-2017**

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## **LABEL SET**

CV17-053

### **APPLICANT**

Craig Smith  
Bogden Architects Inc.  
850 King Avenue  
craig@bogden.com

### **PROPERTY OWNER**

F K I V L P  
c/oMike Maloof  
2362 N. High St.

### **AREA COMISSION**

Italian Village Commission  
c/oJames Goodman  
2362 N. High St.

### **SURROUNDING PROPERTY OWNERS**

Platinum Rentals INC. /  
or current occupant  
PO Box 2211026  
Columbus OH 43221

1206 N. 4th LLC /  
or current occupant  
575 W 1st Ave. Ste 100  
Columbus OH 43215

Richard L. & Marie A. Potts /  
or current occupant  
3264 Mann Road  
Blacklick OH 43004

Lennea Tinsky /  
or current occupant  
391 Oakland Park Ave.  
Columbus OH 43214

Barbara Gunner  
James Scott Jones /  
or current occupant  
306 E. Fifth Ave.  
Columbus OH 43201

Absolute Properties LLP /  
or current occupant  
391 Oakland Park Ave.  
Westerville OH 43082

The New Victorians /  
or current occupant  
455 W. 3rd Ave.  
Columbus OH 43201

Colleen McDaniel /  
or current occupant  
275 E Greenwood Ave.  
Columbus OH 43201

Grace Allen /  
or current occupant  
1267 Loretta Ave  
Columbus OH 43211

Blue Chip Homes LLC /  
or current occupant  
5000 Arlington Centre Blvd. Ste. 2212  
Columbus OH 43220

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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

**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 Number: CV17-053

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Craig Smith / Bogden Architects Inc.

of (COMPLETE ADDRESS) 850 King Ave, Columbus, OH 43212

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.  F K I V L P Attn: Mr. Mike Maloof 2362 N. High Street, Columbus, OH 43202 (614) 271-7572	2.  Ohio Strength 279 E. Fifth Avenue Columbus, OH 43201
3.	4.

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

SIGNATURE OF AFFIANT

*Craig C. Smith Jr.*

Sworn to before me and signed in my presence this 14th day of August, in the year 2017

*Belinda Menix*

SIGNATURE OF NOTARY PUBLIC

12-9-17  
My Commission Expires

Notary Seal Here



**BELINDA MENIX**  
Notary Public, State of Ohio  
My Commission Expires  
12-09-2017

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WHEREAS, application #Z94-097 is on file with the Division of Development Regulation requesting rezoning of 0.74 ± acres from R-4, Residential and C-4, Commercial Districts, to L-M, Limited-Manufacturing District, and;

WHEREAS, the Development Commission recommends approval of said zoning change, and;

WHEREAS, the Italian Village Area Commission recommends approval of said zoning, change, and;

WHEREAS, the Staff recommends approval of said zoning change because this zoning application represents a request for an orderly expansion of an existing light industrial manufacturer and wholesaler, and proposed warehouse facility. The enclosed limitation text restricts usage to only the office component and less objectionable uses of the M-district which are the same uses permitted in the M-2 district; but establishment of an M-district would permit development at a lesser setback than M-2 requires (50') which is appropriate for a small scale expansion on these rather shallow lots, now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

Section 1. That the Zoning Map attached to Ordinance No. 1620-77, passed September 19, 1977, and as subsequently amended be, and the same is hereby revised by changing the zoning of the property as follows:

275 EAST FIFTH AVENUE (43201), being 0.74± acre located at the southeast corner of East Fifth Avenue and North Fifth Street, and being more particularly described as follows:

DESCRIPTION OF LOTS NOS. 1, 2, 3, 4 & 5 IN  
W.J. MCCOMB'S 5TH AVENUE SUBDIVISION  
COLUMBUS, OHIO, FOR SQUIRE HEATING SUPPLY COMPANY

Parcel A

Situated in the State of Ohio, County of Franklin, City of Columbus: Being all of Lots Numbers One (1), Two (2), Three (3), Four (4) and Five (5) in W.J. McComb's 5th Avenue Subdivision, as shown of record in Plat Book 3, Page 387, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at a point at the intersection of the south line of East Fifth Avenue (60 feet wide) with the east line of North Fifth Street (25 feet wide) and at the northwest corner of said Lot No. 1;

thence S 87° 30' 00" E along the south line of East Fifth Avenue and along the north lines of said Lots Nos. 1, 2, 3, 4 and 5 a distance of 173.00 feet to a point at the northeast corner of said Lot No. 5 and at the northwest corner of Lot Number Six (6) in said W.J. McComb's 5th Avenue Subdivision;

thence S 3° 02' 25" W along the east line of said Lot No. 5 and along the west line of said Lot No. 6 a distance of 173.23 feet to a point in the north line of Greenwood Avenue (approximately 31.31 feet wide), at the southeast corner of said Lot No. 5 and at the southwest corner of said Lot No. 6;

thence N 87° 30' 00" W along the north line of Greenwood Avenue and along the south lines of said Lots Nos. 5, 4, 3, 2 and 1 a distance of 135.09 feet to a point at the intersection of the north line of Greenwood Avenue with the east line of North Fifth Street and at the southwest corner of said Lot No. 1,

thence N 9° 19' 41" W along the east line of North Fifth Street and along the west line of said Lot No. 1 a distance of 176.98 feet to the place of beginning;

containing 0.613 acre of land more or less and being subject to all easements and restrictions of record.

**EXHIBIT A - LEGAL DESCRIPTION**

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

Being Lot Number One (1) of William J. McComb's Fifth Avenue Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3., Page 387, Recorder's Office, Franklin County, Ohio.

Being Lot Number Two (2) of William J. McComb's Fifth Avenue Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3., Page 387, Recorder's Office, Franklin County, Ohio.

Being Lot Number Three (3) of William J. McComb's Fifth Avenue Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3., Page 387, Recorder's Office, Franklin County, Ohio.

Being Lot Number Four (4) of William J. McComb's Fifth Avenue Subdivision, of Lots 25,26 and 27, in William G. Deshler's Amended Addition, to William Phelan's Mt. Pleasant Addition, as the said Lot is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3., Page 387, Recorder's Office, Franklin County, Ohio, excepting 100 feet of the South end thereof.

Being Lot Number Five (5) of William J. McComb's Fifth Avenue Subdivision, of Lots 25,26 and 27, in William G. Deshler's Amended Addition, to William Phelan's Mt. Pleasant Addition, or Subdivision of land in said City of Columbus, as said Lot 5, is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3., Page 387, Recorder's Office, Franklin County, Ohio.

**Parcel Number(s): 010-031324**

PARKING CALCULATIONS	
<b>PARKING SPACES REQUIRED:</b> CITY OF COLUMBUS ZONING CODE 3312.49 <b>LOADING SPACES REQUIRED:</b> CITY OF COLUMBUS ZONING CODE 3312.53	<b>EXISTING SPACES:</b> WAREHOUSE USE - FOR FIRST 20,000SF: OF BUILDING SPACE PROVIDE 1 PARKING SPACE PER 1,000SF OF BUILDING SPACE EXISTING STRUCTURE - 15,734SF EXISTING PARKING SPACES REQUIRED - 16 SPACES EXISTING LOADING SPACES REQUIRED - ONE (1) 12'0" X (1) 12' X 50'
<b>CHANGE OF USE REQUIREMENT:</b> (A) ASSEMBLY - FITNESS CLUB PROVIDE 1 PARKING SPACE PER EACH 250SF OF BUILDING SPACE NEW FITNESS CLUB SPACE - 9460SF <b>NEW PARKING REQUIREMENTS:</b> 38 SPACES FOR NEW FITNESS CLUB + 7 SPACES FOR EXISTING WAREHOUSE 45 SPACES TOTAL REQUIRED 24 SPACES EXISTING ON PROPERTY 21 NEW SPACES REQUIRED	

SITE PLAN NOTES
ZONING #29-087, MANUFACTURING, L.U. 04/19/1995, H-35 THIS SITE COMPLES WITH SECTIONS 3321.01 DIMENSIONS, 3321.07 LANDSCAPE, 3321.09 LIGHTING, 3312.21 SCREENS, 3312.29 STREPPING/PARKING, 3312.43 SURFACE, AND 3312.45 WHEEL STOP/CLUBB WHERE APPLICABLE

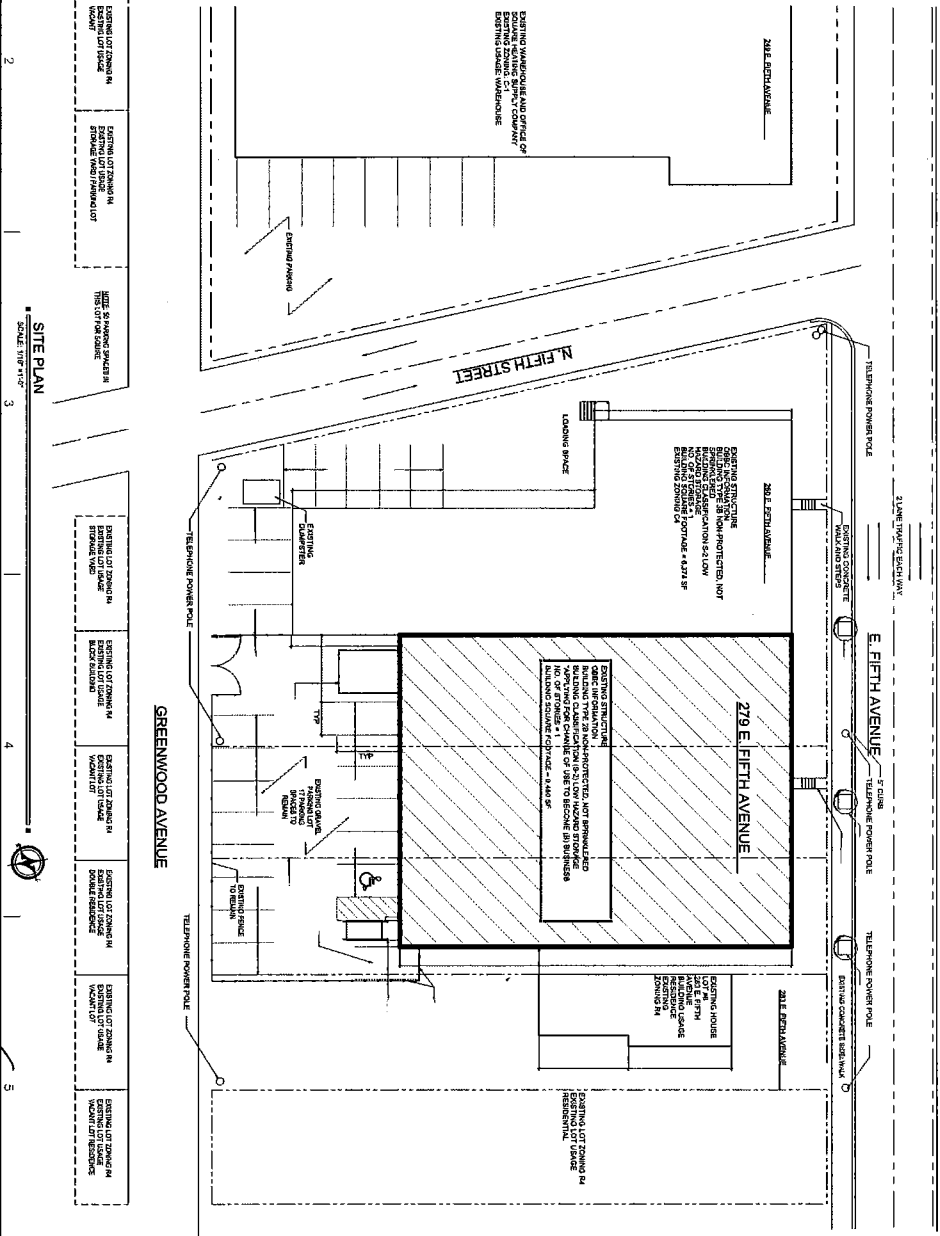
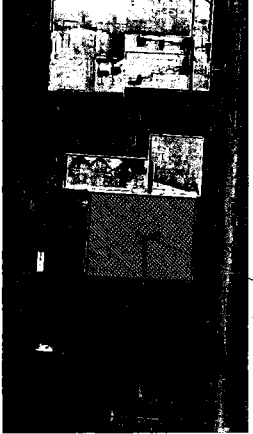
### Site Vicinity Map

Not to Scale



### Site Map

Not to Scale



<b>Ohio Strength</b> <b>Tennat Improvements</b> 279 E. Fifth Avenue Columbus OH 43232	
<b>CONSULTANTS</b> <b>bogden ARCHITECTS</b> 4000 N. High Street, Suite 200 Columbus, OH 43202 P: 614.277.7771 F: 614.277.2211	<b>PROJECT NO.</b> 17126.00 <b>DATE</b> 1/17/13 <b>DESIGNED BY</b> CS <b>DRAWN BY</b> CS <b>FLIGHT DATE</b> 7/26/2017
<b>SHEET TITLE</b> <b>SITE PLAN</b>	<b>PROJECT NO.</b> 17126.00 <b>DATE</b> 1/17/13 <b>DESIGNED BY</b> CS <b>DRAWN BY</b> CS <b>FLIGHT DATE</b> 7/26/2017

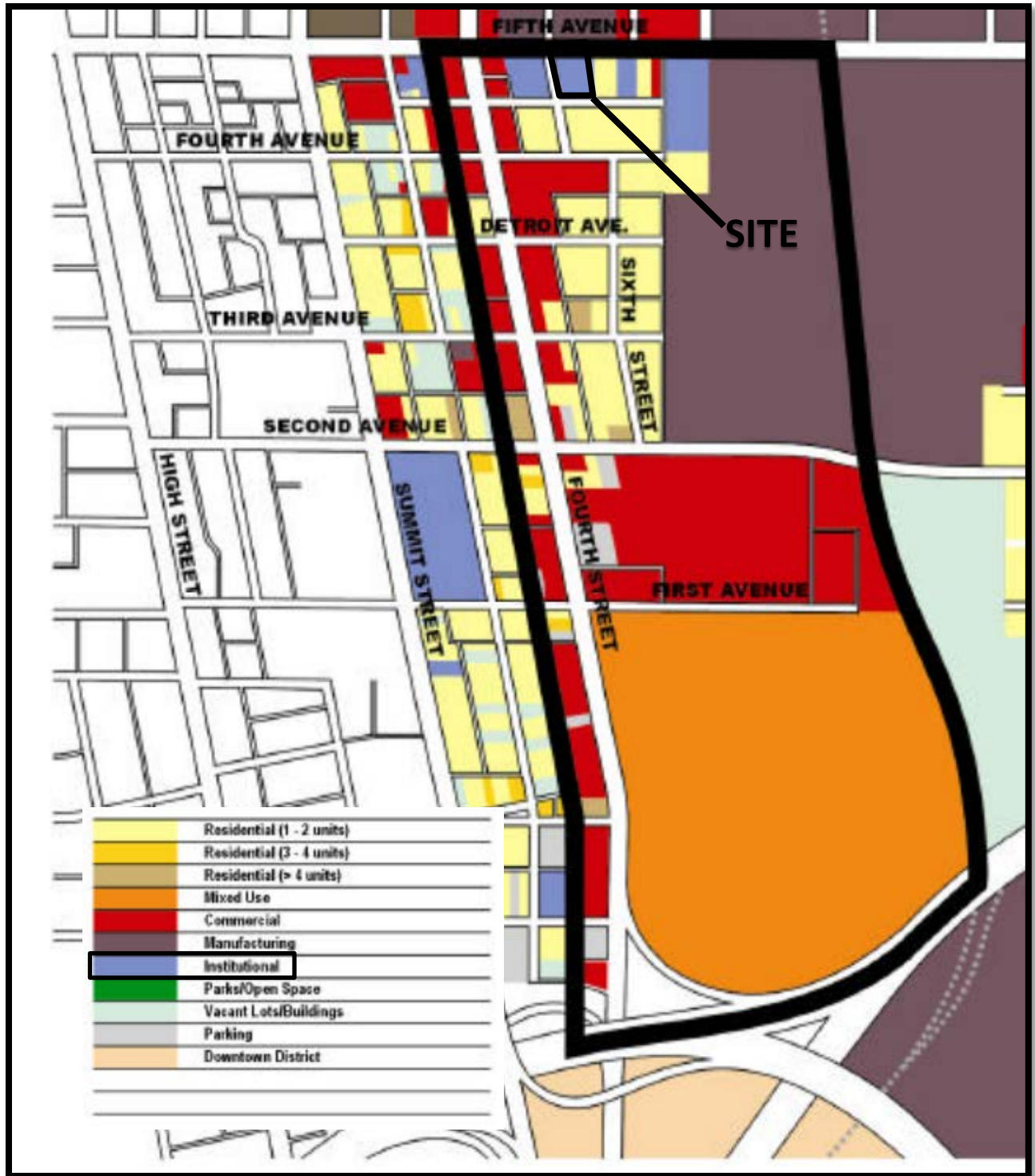
CV17-053 (Conceptual)

A101





CV17-053  
279 East Fifth Avenue  
Approximately 0.61 acres



*Italian Village East Redevelopment Plan (2000)*

CV17-053  
 279 East Fifth Avenue  
 Approximately 0.61 acres



CV17-053  
279 East Fifth Avenue  
Approximately 0.61 acres





CV17-053  
279 East Fifth Avenue  
Approximately 0.61 acres