

## 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: CV17-062 Date Received: 8/29/2017  
Application Accepted by: MM Fee: \$800  
Assigned Planner: Michael Maret; 614-645-2749; mjmaret@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 875 North 4th Street, 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.**

Parcel Number for Certified Address: 010-033474, 010-001721, 010-012459, 010-009646

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

Current Zoning District(s): M, Manufacturing

Area Commission or Civic Association: Italian Village Commission

Proposed Use or reason for Council Variance request:

Companion variance to Rezoning Z17-036, See Statement of Hardship

Acreage: 0.55 +/- Ac.

#### APPLICANT:

Name: Lykens Companies c/o Dave Perry Phone Number: 614-228-1727 Ext.: -----  
(David Perry Company, Inc.)  
Address: 411 East Town Street, 1st Floor City/State: Columbus, OH Zip: 43215  
Email Address: dave@daveperryco.net Fax Number: N/A

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

Name: LS Development Systems, LLC, et al c/o Donald Plank Phone Number: 614-947-8600 Ext.: -----  
Address: Plank Law Firm, 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 Lykens Companies c/o Dave Perry

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**

Variance Application CV17-\_\_\_\_\_  
875 N. Fourth Street Columbus, Ohio 43201

## **SUPPLEMENTAL PROPERTY OWNER EXHIBIT**

---

- 1) Blankenship Family, LLC  
c/o Kevin Lykens  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43201-3497
  
- 2) LS Development Systems, LLC  
c/o Kevin Lykens  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43201-3497

8/22/17

CV17-062

## 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 Peak*

Date

*8/29/17*

Consultant:

*David B. Perry*

(David B. Perry)

Date:

*8-29-17*

**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**

*CU17-062*



## Exhibit B

### Statement of Hardship

CV17-062, 875 N. Fourth Street, Columbus, OH 43201

The site is pending rezoning (Z17-~~036~~) to the CPD, Commercial Planned District. This variance application is made in conjunction with the pending rezoning to permit one (1) ground level dwelling unit in Subarea 1.

Applicant has a hardship in that there is no commercial zoning district to which the property could be rezoned for the proposed development including a ground floor dwelling unit. Applicant has a practical difficulty to provide a ground level accessible dwelling unit without a variance.

Applicant requests a variance from the following section of the Columbus Zoning Code:

- 1). Section 3356.03, C-4 Permitted Uses, to permit one (1) ground level dwelling unit in Subarea 1.

-----

CV17-062

**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: CU17-062

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Dave Perry (David Perry Company, Inc.)

of (1) MAILING ADDRESS 411 East Town Street, 1st 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 875 North 4th Street, Columbus, Ohio 43201

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  
AND MAILING ADDRESS

(4) LS Development Systems, LLC, et al

c/o Donald Plank (Plank Law Firm)

411 East Town Street, 2nd Floor  
Columbus, Ohio 43215

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

Lykens Companies, c/o Dave Perry (David Perry Company, Inc.)  
(614) 228-1727

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

*[Signature]*

Sworn to before me and signed in my presence this 29th day of August, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

*Stacey L. Danza*

11-5-2018  
My Commission Expires



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

Variance Application CV17-\_\_\_\_\_  
875 N. Fourth Street Columbus, Ohio 43201

## **SUPPLEMENTAL PROPERTY OWNER EXHIBIT**

---

- 1) Blankenship Family, LLC  
c/o Kevin Lykens  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43201-3497
  
- 2) LS Development Systems, LLC  
c/o Kevin Lykens  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43201-3497

8/22/17

CV 17- 062

**EXHIBIT A, Public Notice**  
**875 N. 4th Street**  
**CV17-\_\_\_\_\_**  
**8/29/17**

**APPLICANT**

Lykens Companies  
c/o Dave Perry  
David Perry Company, Inc.  
411 East Town Street, 1<sup>st</sup> Floor  
Columbus, OH 43215

**COMMUNITY GROUP**

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

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

Victor 901, LLC  
66 East Prescott Street  
Columbus, Ohio 43215-1433

Randy Huff (or current occupant)  
894 Hamlet Street  
Columbus, Ohio 43201

New Victorians 1, LLC (or current  
occupant)  
455 West 3<sup>rd</sup> Avenue  
Columbus, Ohio 43201-3363

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

**PROPERTY OWNERS**

LS Development Systems, LLC  
c/o Donald Plank  
Plank Law Firm  
411 East Town Street, FL 2  
Columbus, OH 43215

Blankenship Family, LLC  
c/o Donald Plank  
Plank Law Firm  
411 East Town Street, FL 2  
Columbus, OH 43215

**PROPERTY OWNERS WITHIN 125 FEET**

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

Christopher R Urban (or current  
occupant)  
902 Hamlet Street  
Columbus, Ohio 43201

Sherwood Hill (or current occupant)  
178 E First Avenue  
Columbus, Ohio 43201

Alkhatib Fourth, LLC (or current  
occupant)  
1020 Dennison Avenue  
Columbus, Ohio 43201-3497

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

**ATTORNEY**

Donald Plank  
Plank Law Firm  
411 East Town Street, FL 2  
Columbus, OH 43215

LS Development Systems, LLC (or  
current occupant)  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43201

Allan M. Hurtt (or current occupant)  
898 Hamlet Street  
Columbus, Ohio 43201

David F Cooke (or current occupant)  
184 E First Avenue  
Columbus, Ohio 43201

Billy Kazez (or current occupant)  
397 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

**875 N. 4<sup>th</sup> Street**  
**CV17- 062**  
**Exhibit A, Public Notice**  
**Page 1 of 2, 8/29/2017**



Laurence J Corley  
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 M Kurzynowski (or current occupant)  
186 East First Avenue  
Columbus, Ohio 43201

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

Jeffrey New Day Community Center, LLC (or current occupant)  
575 West 1<sup>st</sup> Avenue  
Columbus, Ohio 43215

Zachary Brown  
Frances Krumholtz (or current occupant)  
904 Hamlet Street  
Columbus, Ohio 43201

Katherine D Sweat  
Suzanne M Barker (or current occupant)  
179 East 1<sup>st</sup> Avenue  
Columbus, Ohio 43201

KN Investments, LLC (or current occupant)  
908 North 4<sup>th</sup> Street  
Columbus, Ohio 43224

Christopher M Hammer (or current occupant)  
60 W. Beaumont Road  
Columbus, Ohio 43214-2006

**ALSO NOTIFY**

LS Development Systems, LLC  
c/o Mr. Kevin Lykens  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43215

Blankenship Family, LLC  
c/o Mr. Kevin Lykens  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43215

Lykens Companies  
c/o Mr. Kevin Lykens  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43215

Karrick Sherrill  
Shremshock Architects  
7400 West Campus Road, Suite 150  
New Albany, Ohio 43054



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](http://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 #

2017-062

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 SOLELY 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

<p><b>1.</b> Lykens Companies  1020 Dennison Avenue, Suite 102  Columbus, Ohio 43201  # of Columbus Based Employees: 10  Contact: Kevin Lykens 614-653-1212</p>	<p><b>2.</b> LS Development Systems, LLC  1020 Dennison Avenue, Suite 102  Columbus, Ohio 43201  # of Columbus Based Employees: 0  Contact: Kevin Lykens 614-653-1212</p>
<p><b>3.</b> Blankenship Family, LLC  1020 Dennison Avenue, Suite 102  Columbus, Ohio 43201  # of Columbus Based Employees: 0  Contact: Kevin Lykens 614-653-1212</p>	<p><b>4.</b></p> <hr/>

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 29<sup>th</sup> day of August, in the year 2017

Notary Seal Here

11-5-2018  
My Commission Expires



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

**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**

**875 North 4<sup>th</sup> Street, Columbus, Ohio 43201**

**Legal Description (0.55 +/- Acres)**

**Z17-\_\_\_\_\_**

**CV17-\_\_\_\_\_**

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

Being 40 feet off the south side of Lot Number Eighteen (18) of E. Sorin's Subdivision of Lots Number 49, 50, 51 and 52 of William Phelan's Mount Pleasant Addition to said City, as the same is numbered and delineated upon the recorded plat thereof, or record in Plat Book 1, Page 286, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-012459

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

Being the south 13 feet of Lot Number Seventeen (17) and the north 17 feet of Lot Number Eighteen (18) of E. Sorin's Subdivision, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 286, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-009646

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

Being part of Lots Numbers Nineteen and Twenty (19 and 20) in E. Sorin's Subdivision of Lots 51 and 52 of William Phelan's Mount Pleasant Addition, in Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, Page 286, Recorder's Office, Franklin County, Ohio.

Parcel Nos.: 010-033474 and 010-001721

8/22/17

CV 17-062



# 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: 010033474, 010001721, 010012459, 010009646

Zoning Number: 875

Street Name: N 4TH ST

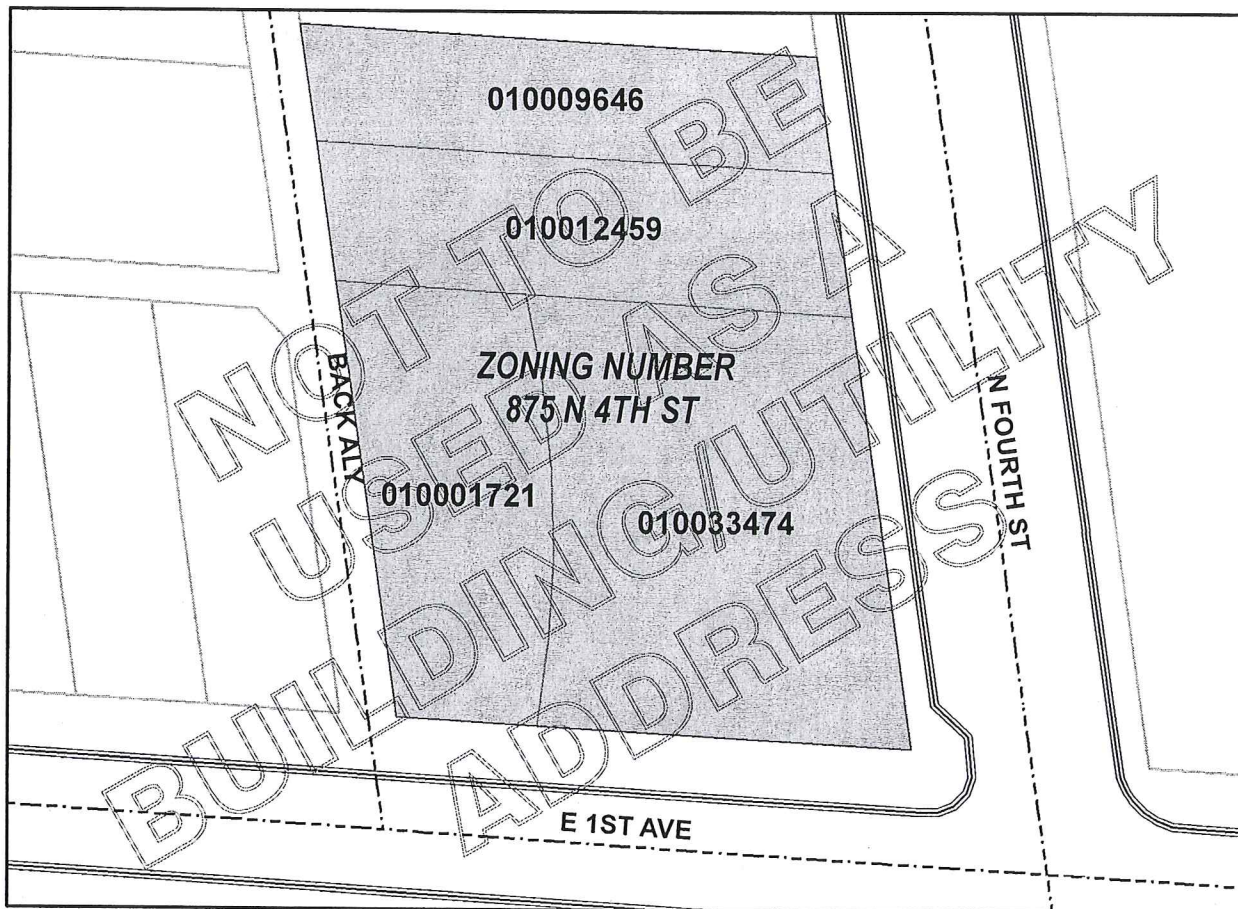
Lot Number: N/A

Subdivision: N/A

Requested By: DAVID PERR CO., INC (DAVE PERRY)

Issued By: *Adriana Amarian*

Date: 8/22/2017



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 100606

*CUM-062*

PROJECT NAME:  
875  
875 NORTH FOURTH STREET

OWNER:  
LYKENS COMPANY  
COLUMBUS  
OHIO

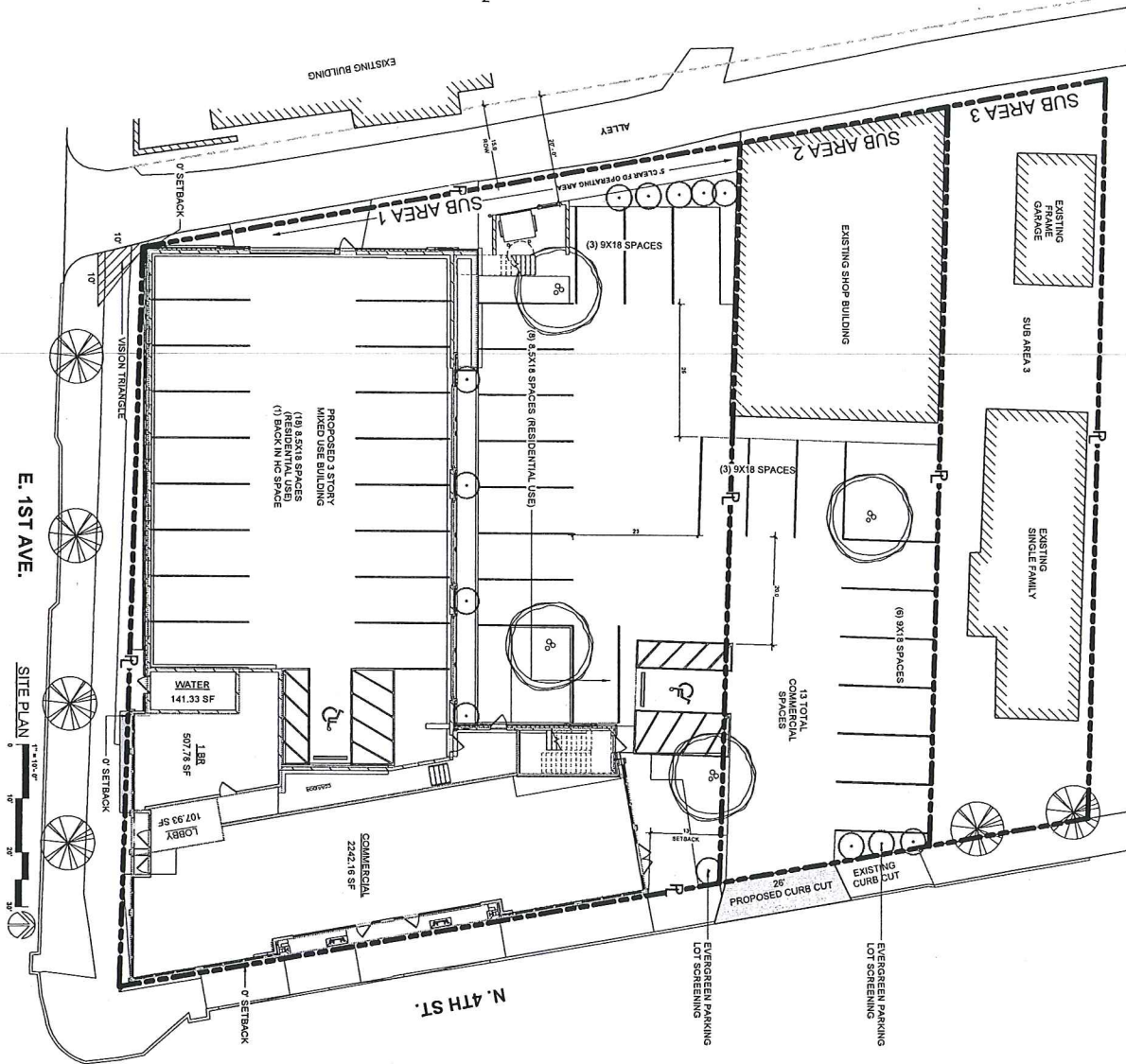
ARCHITECT:  
SHREMSHOCK ARCHITECTS INC.  
NEW ALBANY  
OHIO

SITE DATA - 875 N FOURTH STREET, REZONING (217- )

ADDRESS	SUB AREA 1 875 N 4TH	SUB AREA 2 889 N 4TH	SUB AREA 3 889 N 4TH
TAX PARCELS	01000001, 01000071 (10 SE CORNER)	010001289	010000946
AREA	35 AC +/-, 15,346 SF +/-	11 AC +/-, 4791 SF +/-	29 AC +/-, 3500 SF +/-
ZONING	M, MANUFACTURING	M, MANUFACTURING	M, MANUFACTURING
EXISTING	CPO COMMERCIAL PLANNED DEVELOPMENT (CA-17)	CPO COMMERCIAL PLANNED DEVELOPMENT (CA-17)	CPO COMMERCIAL PLANNED DEVELOPMENT (CA-17)
PROPOSED	H-25, WITH VARIANCE TO PERMIT H-25	H-25	H-25
HEIGHT	38 FEET	EXISTING 1500 SF +/- SINGLE FAMILY DWELLING AND PROPOSED CHANGE OF USE TO COMMERCIAL, ALTERATION TO COMMERCIAL, OF USE TO 1000 SF GROUND FLOOR COMMERCIAL AND SECOND FLOOR DWELLING UNIT	EXISTING 1500 SF +/- SINGLE FAMILY DWELLING AND PROPOSED CHANGE OF USE TO COMMERCIAL, ALTERATION TO COMMERCIAL, OF USE TO 1000 SF GROUND FLOOR COMMERCIAL AND SECOND FLOOR DWELLING UNIT
USE	EXISTING 1500 SF +/- SINGLE FAMILY DWELLING AND PROPOSED CHANGE OF USE TO COMMERCIAL, ALTERATION TO COMMERCIAL, OF USE TO 1000 SF GROUND FLOOR COMMERCIAL AND SECOND FLOOR DWELLING UNIT	EXISTING 1500 SF +/- SINGLE FAMILY DWELLING AND PROPOSED CHANGE OF USE TO COMMERCIAL, ALTERATION TO COMMERCIAL, OF USE TO 1000 SF GROUND FLOOR COMMERCIAL AND SECOND FLOOR DWELLING UNIT	EXISTING 1500 SF +/- SINGLE FAMILY DWELLING AND PROPOSED CHANGE OF USE TO COMMERCIAL, ALTERATION TO COMMERCIAL, OF USE TO 1000 SF GROUND FLOOR COMMERCIAL AND SECOND FLOOR DWELLING UNIT

PARKING	31	8	2
REFUSE	01000001, 01000071 (10 SE CORNER)	PRIVATE HAULER	01000001, 01000071 (10 SE CORNER)

SITE LOCATION MAP



0001

DATE: 11-16-07  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
APPROVED BY: [Name]

TITLE: SITE PLAN

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

DATE: 08/28/17

REVISION: [Number]

SHREMSHOCK

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

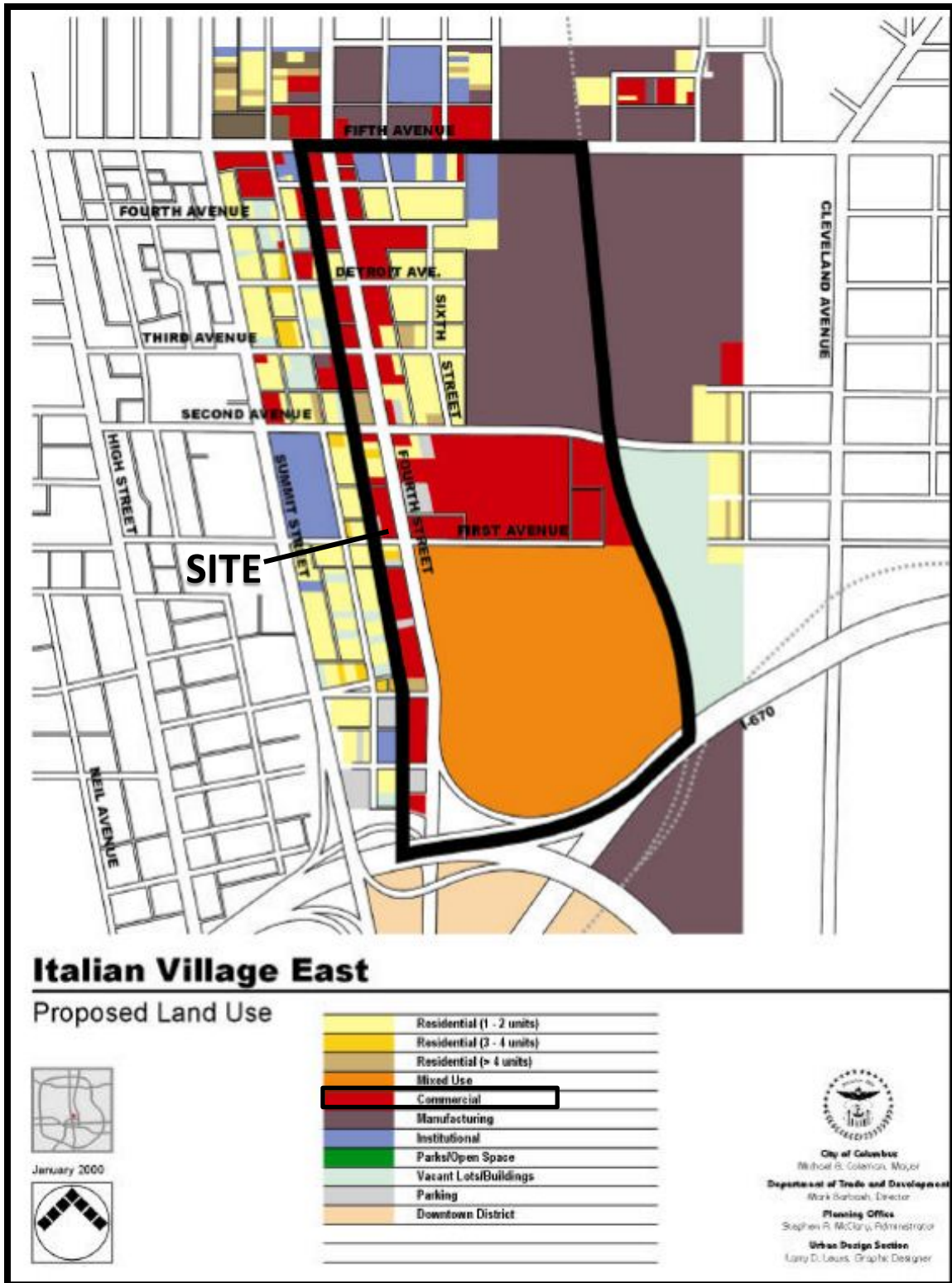
875  
NORTH 4TH  
ZONING PLAN

CU 17-062





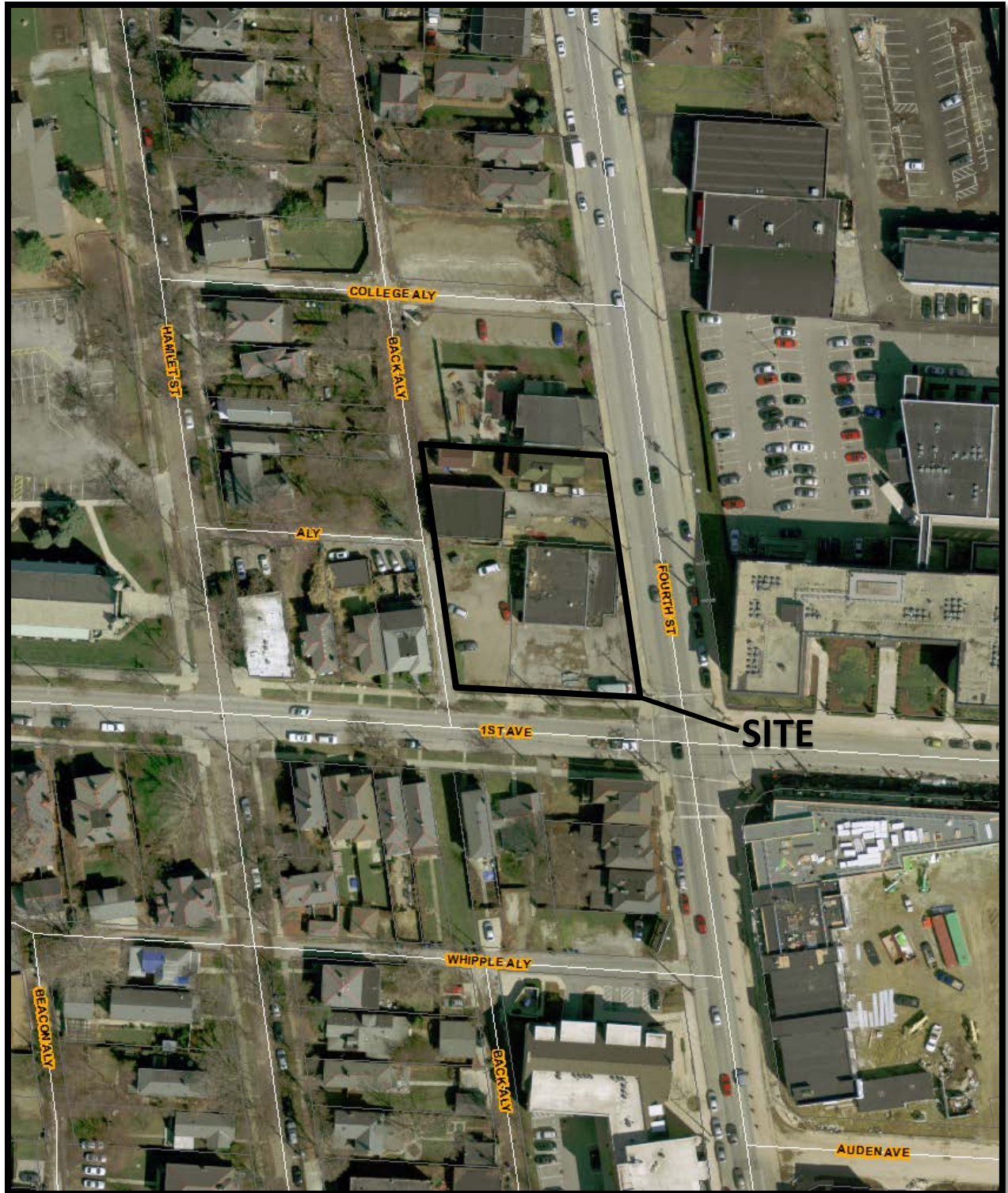
CV17-062  
875 North Fourth Street  
Approximately 0.55 acres



CV17-062  
875 North Fourth Street  
Approximately 0.55 acres

*Italian Village East Redevelopment Plan (2000)*





CV17-062  
875 North Fourth Street  
Approximately 0.55 acres