

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: CV17-057 Date Received: 8/28/17
Application Accepted by: SP Fee: \$1000
Assigned Planner: Shannon Pine; spine@columbus.gov; 614-645-2209

LOCATION AND ZONING REQUEST:

Certified Address or Zoning Number: C-4 2129 E. 5th Ave Zip: 43219

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: 010-081813

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

Current Zoning District(s): C-4 Commercial District

Area Commission or Civic Association: North Central Area Commission

Proposed Use or reason for Council Variance request:

Reduce parking spaces + allow existing reduced setbacks along Sunbury + 5th Ave
3356.03, 3312.49, 3356.11, + 3312.27

Acreage: 0.1844

APPLICANT:

Name: Dino Y. Smith + Stacia E Williams Phone Number: 614-864-7846 Ext.: _____

Address: 6288 Alissa Lane City/State: Columbus OH Zip: 43213

Email Address: pillae11c@sbeglobal.net Fax Number: 614-367-7826

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

Name: Pillae Properties LLC Phone Number: 614-864-7846 Ext.: _____

Address: P.O. Box 13321 City/State: Columbus OH Zip: 43213

Email Address: pillae11c@sbeglobal.net Fax Number: 614-367-7826

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

Name: _____ Phone Number: _____ Ext.: _____

Address: _____ City/State: _____ Zip: _____

Email Address: _____ Fax Number: _____

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

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

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

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STATEMENT OF HARDSHIP

Application Number: CV17-057

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 Attachment

Signature of Applicant

Shirley Williams

Date

28 Aug 17

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STATEMENT OF HARDSHIP

APPLICATION # CV17-057

The reason for the variance at 2129 Sunbury Road, is to 1) Have on-site parking spaces beyond the building set back lines, reducing the 8 required parking spaces to 4 (four) including 1 (one) handicap accessible space. 2) To allow existing reduced setbacks along Sunbury Road and East 5th Avenue. 3) Allow 5 unit apartment building in the existing C-4 Zoning District. 4) To reduce parking setback along East 5th Avenue and Sunbury Road (for existing pavement) and to whatever the distance from East 5th Avenue is for new parking area.

The parking lot for the property, as it's laid out, does not meet the minimum required parking spaces to satisfy zoning code. **There are only 2 (two) existing spaces.**

We purchased the property at a sheriff's auction on 08/16/06. Upon hiring an architect, we discovered the parking space problem. The architect determined the property didn't meet code concerning the parking spaces. To be clear, this property has never met the zoning code concerning the parking spaces.

By having safe, convenient and organized private parking on site along with the property renovation, will help enhance the building/property. This along with professional, hands on property management will be a plus for the neighborhood.

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AFFIDAVIT (See instruction sheet)

Application Number: CN17-057

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Dino Y. Smith & Stacia E. Williams

of (1) MAILING ADDRESS 6288 Alissa Lane, Columbus, OH 43213

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 2129 E 5th Ave, Columbus, OH 43219

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 8/28/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

AND MAILING ADDRESS

(4) Pillar Properties, LLC

P.O. Box 13321

Columbus, OH 43213

APPLICANT'S NAME AND PHONE #

(same as listed on front application)

Pillar Properties, LLC

Dino Y. Smith & Stacia E. Williams

AREA COMMISSION OR CIVIC GROUP

AREA COMMISSION ZONING CHAIR

OR CONTACT PERSON AND ADDRESS

(5) North Central Area Commission

Carlon Frealey

2107 Bancroft St., Columbus, OH 43219

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

Stacia E. Williams

Sworn to before me and signed in my presence this 28th day of August, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here

JANA S. DICKENDESHER
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
June 09, 2019

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

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APPLICANT
DinoYSmith
Stacia E Williams
6288 Alissa Lane
Columbus, OH 43213

PROPERTY OWNER
Pillar Properties LLC
P.O. Box 13321
Columbus, OH 43213

AREA COMMISSION
North Central Area Commission
c/o Carlon Fraley
2107 Bancroft Street
Columbus, OH 43219

**SURROUNDING PROPERTY
OWNERS**

Eugene Garrett, Jr
845 Sunbury Road
Columbus, OH 43219

East Fifth Avenue
Sunbury Road Partnership
2140 E. 5th Ave
Columbus, OH 43205-2254

Pillar Properties LLC
P.O. Box 13321
Columbus, OH 43213

Andrea McGee
837 Sunbury Road
Columbus, OH 43219

Conservative Mennonite
Board of Missions & Charity
9920 Rosedale Milford Ctr Rd
Irwin, OH 43029-9547

Tennore Ramesh
11 Beaconcroft
Sheffield, South Yorkshire
S91EG United Kingdom

Sandra S Seeger
3836 Bickley Place
Columbus, OH 43220

Clifford Rose
2138 Margaret Ave
Columbus, OH 43219

Tanya D Banks
2130 Margaret Ave
Columbus, OH 43219

Todd Heuver
106 Westland View
Okotoks, Alberta Canada
T1S 0K9

Linda S Storey
2142 Margaret Ave
Columbus, OH 43219

Alyssa N Gordon
2154 Margaret Ave
Columbus, OH 43219

Renny J Tyson
Prisscilla Tyson
2148 Margaret Ave
Columbus, OH 43219

Susan M Humphrey
7861 Havens Road
Blacklick, OH 43004

Morning Star Partners LLC
1404 Vine Street
Cincinnati, OH 45202

David P Lynch
Nelson A Lynch
6481 Albany Pond
New Albany, OH 43054

Gonzalo Gonzalez Cruz
Raina Montes Lopez
215 S Harris Ave
Columbus, OH 43204

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Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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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 Number: CV17-057

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)

of (COMPLETE ADDRESS)

Pillar Properties, LLC
P.O. Box 13321, 6288 Alissa Lane, Columbus, OH 43213

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. <u>Dino Y Smith</u> <u>6288 Alissa Lane</u> <u>Columbus, OH 43213</u>	2. <u>Stacia E. Williams</u> <u>6288 Alissa Lane</u> <u>Columbus, OH 43213</u>
3.	4.

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

SIGNATURE OF AFFIANT

Stacia E. Williams

Sworn to before me and signed in my presence this 28th day of August, in the year 2017

Jana S. Dickendesher

SIGNATURE OF NOTARY PUBLIC

6/09/2019

Notary Seal Here

My Commission Expires



JANA S. DICKENDESHER
NOTARY PUBLIC
STATE OF OHIO
Comm. Expires
June 09, 2019

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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: 010081813

Zoning Number: 2129

Street Name: E 5TH AVE

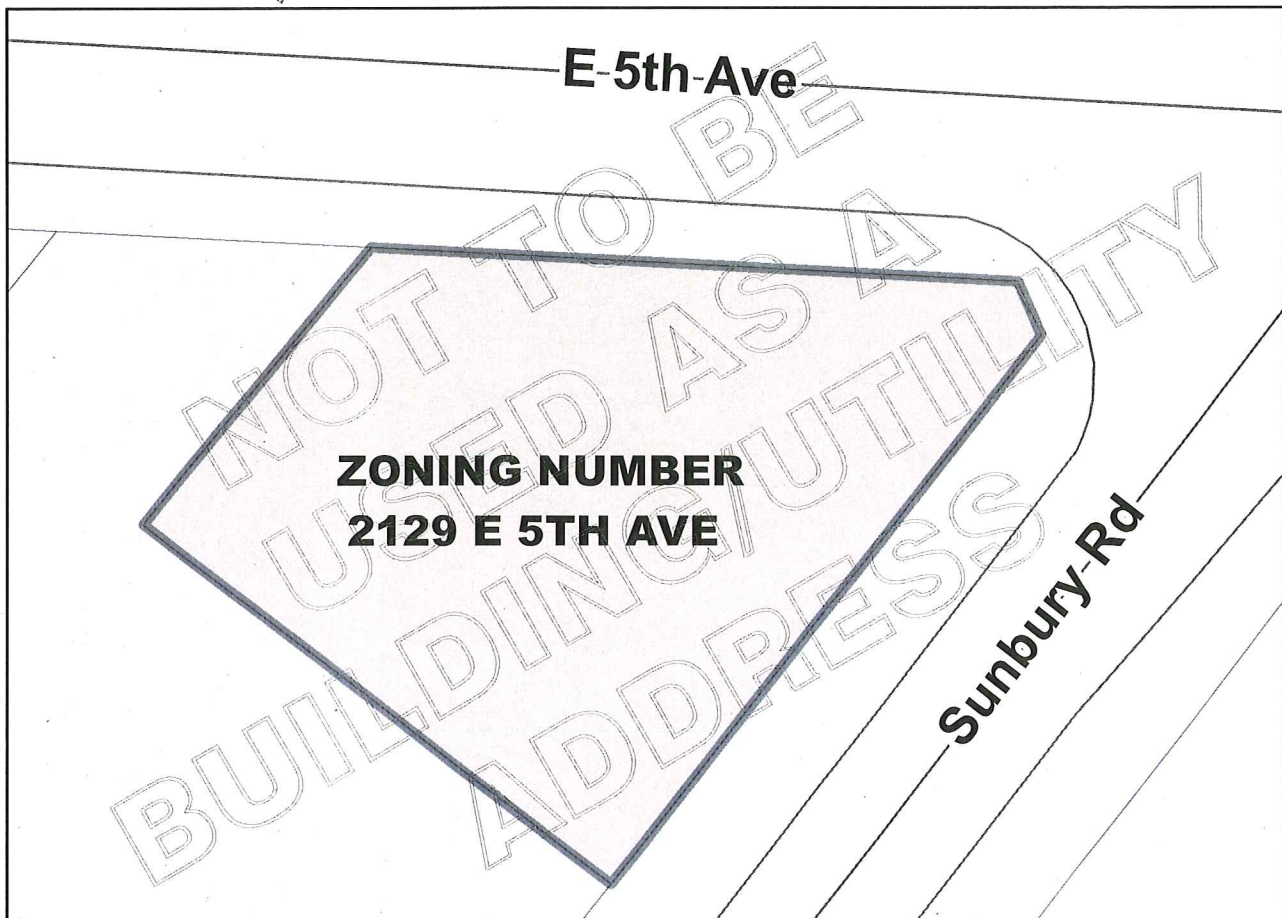
Lot Number: N/A

Subdivision: N/A

Requested By: PILLAR PROPERTIES LLC

Issued By: Alfred Cannon

Date: 8/28/2017



**ZONING NUMBER
2129 E 5TH AVE**



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

SCALE: 1 inch = 30 feet

GIS FILE NUMBER: 59

CN17-057

EXHIBIT "A"
Legal Description

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

Being Lot Number Fifty Eight (58) of Shepard Heights Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 18, page 63, Recorder's Office, Franklin County, Ohio.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PREMISES:

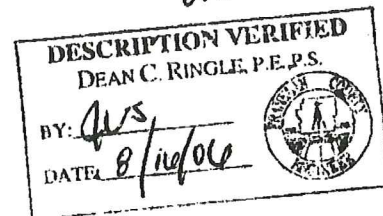
Situated in the County of Franklin in the State of Ohio and in the City of Columbus, being part of Lot 58 of the "Shepard Heights" Addition of record in Plat Book 18, page 63 (record references to those of the Recorder's Office, Franklin County, Ohio) and being more particularly described as follows: Commencing at an iron pin at the northeasterly corner of said Lot 58, being at the intersection of the southerly right-of-way line of E. Fifth Avenue and the northwesterly right-of-way line of Sunbury Avenue; thence westerly along the northerly line of said Lot 58, being the southerly right-of-way line of E. Fifth Avenue, North $86^{\circ} 40' 00''$ West, 113.43 feet to an iron pipe set at the True Point of Beginning; thence southwesterly through said Lot 8, South $37^{\circ} 29' 00''$ West 55.02 feet to an iron pipe set in the line common to Lots 58 & 59 of said Addition; thence northwesterly along said common line to Lots 58 & 59 North $51^{\circ} 41' 10''$ West, 22.82 feet to the westerly corner common to said Lots 58 & 59, being in the southeasterly line of a 16 foot alley; thence northeasterly along the northwesterly line of said Lot 58, being the southeasterly line of said 16 foot ally, North $38^{\circ} 14' 40''$ East, 39.57 feet to the northwesterly corner of said lot 58, being at the intersection of said line with the southerly right-of-way line of said E. Fifth Avenue; thence easterly along the northerly line of said Lot 58 being the southerly right-of-way line of said E. Fifth Avenue, South $86^{\circ} 40' 00''$ East, 26.94 feet to the point of beginning, containing 1,065 square feet of land, more or less, as surveyed and described in May of 1992, by Carl E. Turner, Jr., registered surveyor 6702. Bearings are referenced to that meridian used for the platted bearings of Fifth Avenue (i.e. South $86^{\circ} 40'$ East--see Plat Book 18, page 63). AND FURTHERING EXCEPTING THE FOLLOWING DESCRIBED PREMISES: Situated in the City of Columbus, County of Franklin, and in the Section Quarter Township 3, Town 1N, Range 17W and being part of Lot No. 58 of Shepard Heights Subdivision as shown in Plat Book 18, page 63, Recorder's Office, Franklin County, Ohio, and bounded and described as follows: Beginning for reference at an iron pin found on the original N/E corner of Lot 57 of Shepard Heights and at the N/W corner of a vacated 16' alley, said pin being 29.54 feet right of Sta. 15+90.41; thence S $03^{\circ} 20' 00''$ W. 0.46 feet to the south right-of-way line of Fifth Avenue 30.00 feet right of Sta. 15+90.41; thence with said south right-of-way line S. $86^{\circ} 40' 00''$ E. 130.87 feet to a point 30.00 feet right of Sta. 17+21.28; being the principal place of beginning for the tract herein described; thence continuing with said right-of-way line S. $86^{\circ} 40' 00''$ E. 10.00 feet to the intersection with the west right-of-way line of Sunbury Road 30.00 right of Sta. 17+3128; thence with the right-of-way line of Sunbury

CW17-057

Road S. 38° 19' 00" W. 10.00 feet to a point 38.19 feet right of Sta. 17+25.55;
thence N. 24° 10' 30" W. 9.24 feet to the place of beginning containing 41 square
feet or 0.0009 acres, more or less. This description was prepared for a survey
conducted by Columbus Engineering Consultants, Inc. in December 1992,
calculated and written by Richard D. Marang P.S. 5882. Being a net take of 0.0009
acres out of Auditor's Parcel No. 010-81813 which contains 8132 square feet or
0.187 acres.

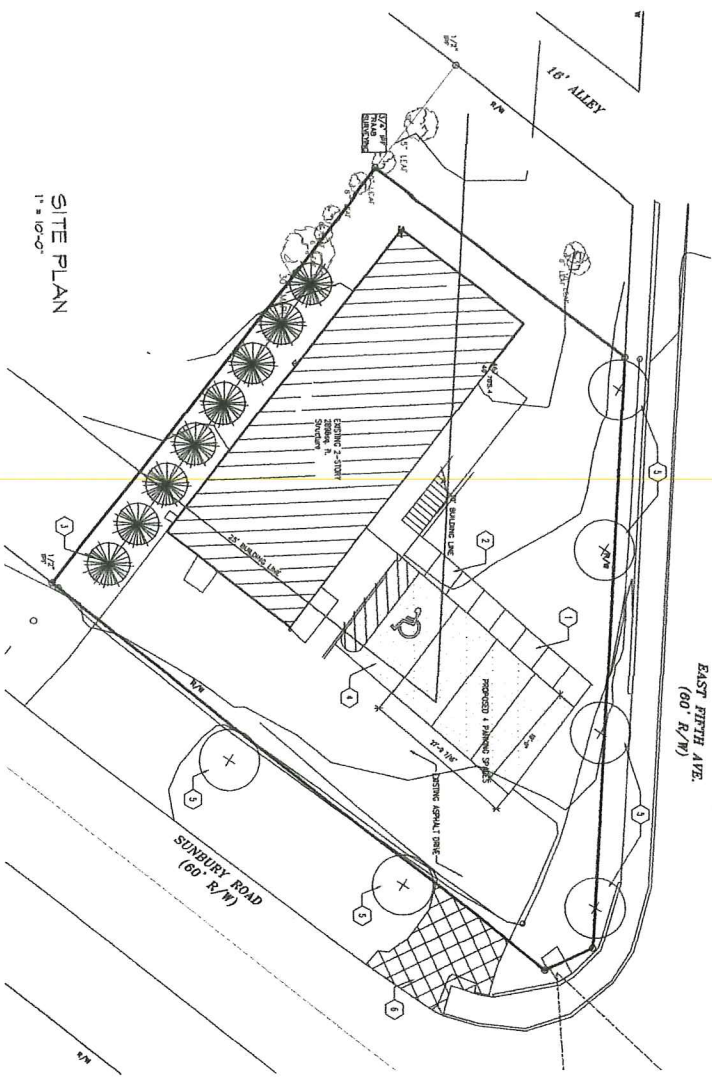
Parcel No: 010-081813

Address: 2129 Sunbury Road, Columbus, Ohio



CN17-057

EAST FIFTH AVE.
(60' R/W)

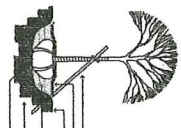


SITE PLAN
1" = 10'-0"

CONSTRUCTION CODED NOTES:

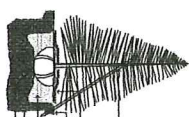
- GENERAL NOTES**
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1 ORNAMENTAL TREE PLANTING



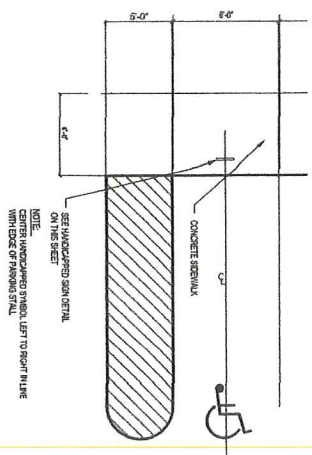
- NOTES:**
1. TOP OF ROOT BALL TO BE 2'-4" ABOVE ADJACENT FINISH GRADE.
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3 EVERGREEN TREE PLANTING

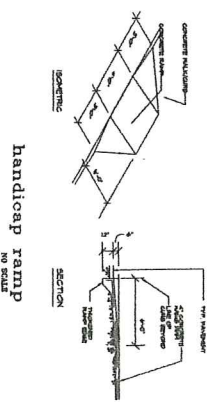
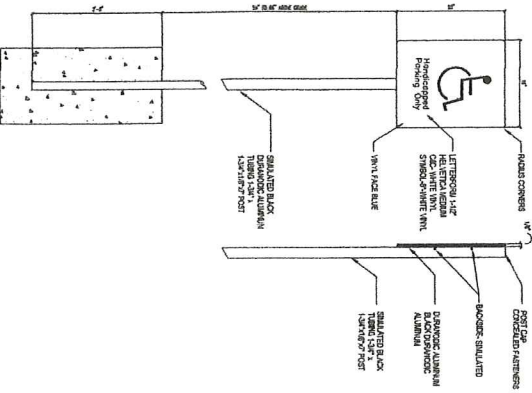


- NOTES:**
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B HANDICAPPED STALL DETAIL



H HANDICAPPED PARKING SIGN DETAIL



handicap ramp
NO SCALE



DATE	REVISION/DESCRIPTION

PROJECT:
2157
SUNBURY
SUNBURY
LOFTS

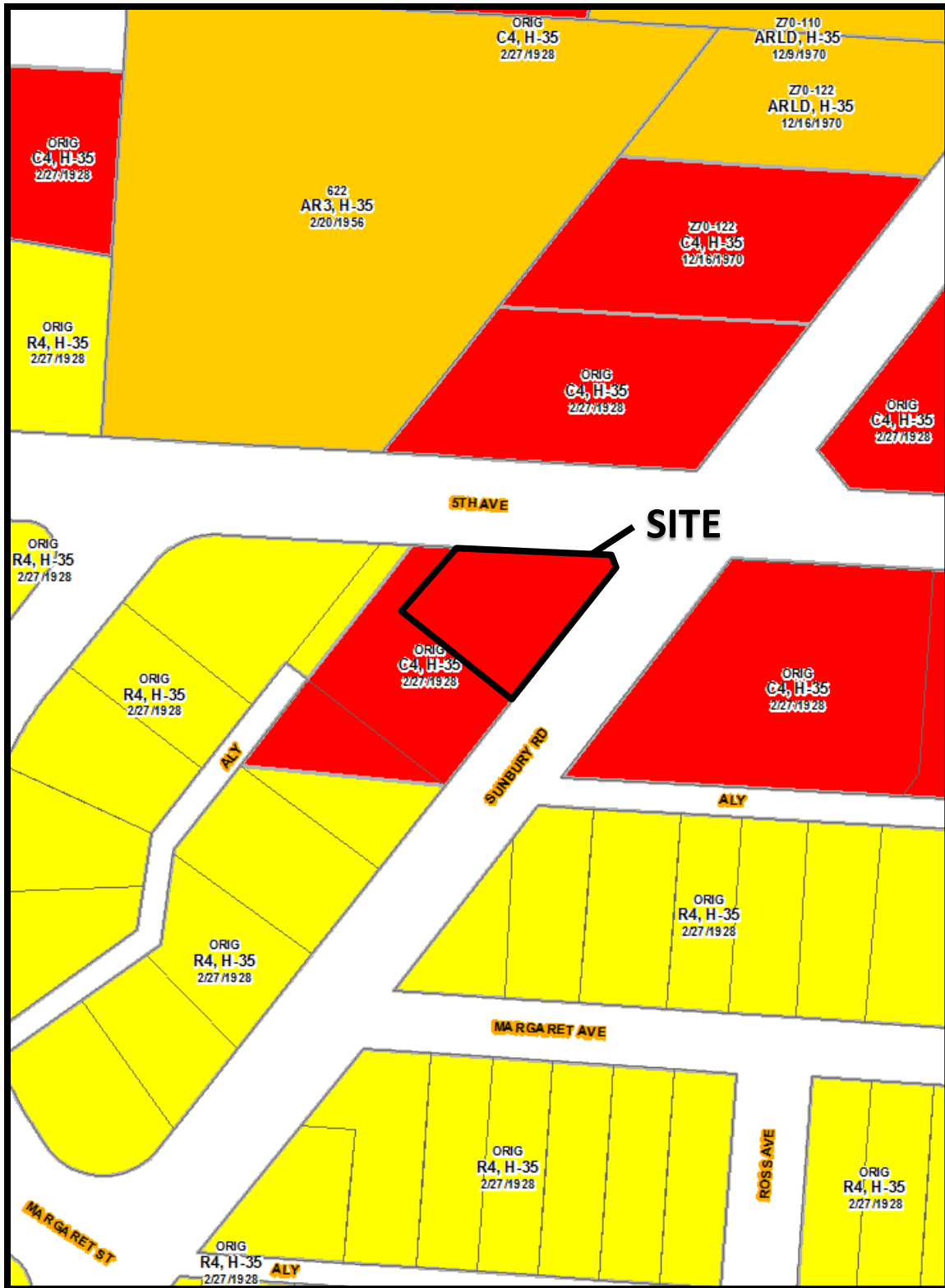
SHEET TITLE:
SITE PLAN

DATE
5/11/10
PAGE NUMBER

SP-1

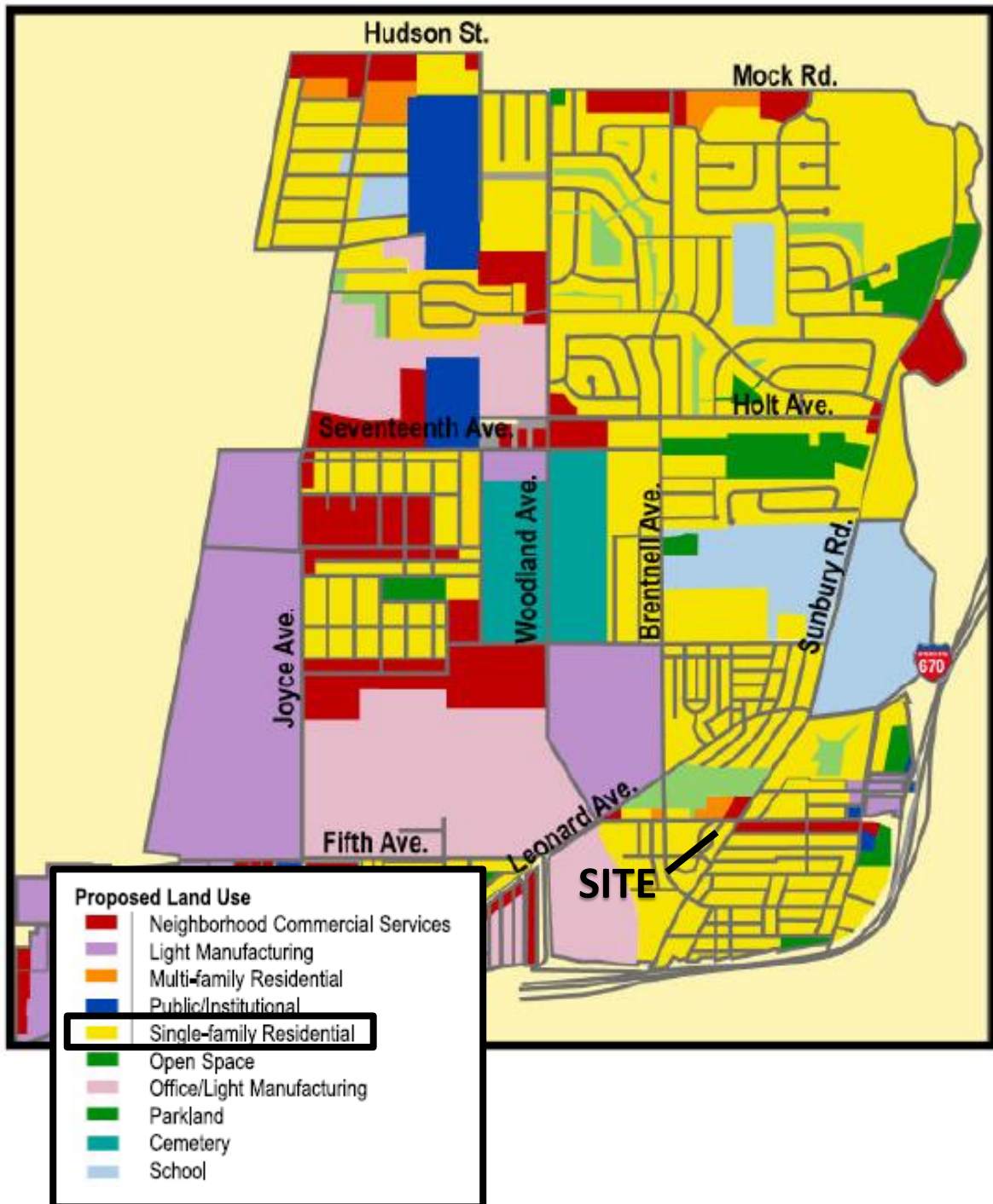
O.A.S.
O.A.S. ENGINEERING, INC.
4615-0233 fax 4615-0234

CM7-057



CV17-057
2129 East Fifth Avenue
Approximately 0.18 acres

North Central Plan (2002)



CV17-057
2129 East Fifth Avenue
Approximately 0.18 acres



CV17-057
2129 East Fifth Avenue
Approximately 0.18 acres