

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

Application Number: CV17-081 Date Received: 11/28/17
Application Accepted by: KP Fee: \$320
Assigned Planner: Tim Dietrich; 614-645-6665; tedietrich@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 1337 and 1345 Hunter Avenue, Columbus, OH 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: 010-011866, 010-009670

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

Current Zoning District(s): R4

Area Commission or Civic Association: University Area Commission

Proposed Use or reason for Council Variance request:

Each parcel is developed with a two (2) family dwelling. Applicant proposes to change the use of each two (2) family-dwelling

Acreage: 0.21 +/- Ac. to a single-family dwelling and build a rear carriage house on each parcel.

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 c/o Dave Perry Phone Number: 614-228-1727 Ext.: -----
Address: David Perry Company, Inc. 411 E Town Street, 1st FL City/State: Columbus, OH Zip: 43215
Email Address: dave@daveperryco.net Fax Number: -----

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

Name: Donald Plank (Plank Law Firm) Phone Number: 614-947-8600 Ext.: -----
Address: 411 E Town Street, 2nd FL City/State: Columbus, OH Zip: 43215
Email Address: dplank@planklaw.com Fax Number: -----

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

APPLICANT SIGNATURE Lykens Companies by David Perry

PROPERTY OWNER SIGNATURE LS Development Systems LLC by David Perry

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

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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 Exhibit B

Signature of Applicant _____

Date _____

Attorney _____

Consultant _____

(Donald Plank, Plank Law Firm) Date 11/27/17
(Dave Perry, David Perry Company, Inc.) Date 11-27-17

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CV17-081

Exhibit B

Statement of Hardship

CV17- 081 , 1337 and 1345 Hunter Avenue, Columbus, OH 43201

The site is two (2) abutting parcels on the west side of Hunter Avenue, 260' +/- south of King Avenue. Both parcels are zoned R-4, Residential. Both parcels are currently developed with a two-family dwelling on each parcel. Applicant proposes to change the use of the two family dwellings to single family dwellings and build a detached carriage house on each parcel, as depicted on the Site Plan. Section 3332.16, Exception for Single or Two Family Dwelling permits a two-family dwelling on lots of record on January 14, 1959. Both of these parcels meet the lot of record date. Given the provisions of Section 3332.16 and applicant converting the existing two-family dwellings to single family dwellings, this application is about form of two dwelling units rather than density. The project is density neutral with changing the existing two-family dwellings to single family dwellings and provides a desirable alternate style of dwelling unit with the carriage houses.

Applicant has a hardship in that there is no zoning district to which the property could be rezoned for the proposed development and not also need variances. Applicant has a practical difficulty with compliance to develop the property in a comprehensive, coordinated way, as proposed.

Applicant requests variances from the following sections of the Columbus Zoning Code:

- 1). Section 3332.039, R-4 Residential District, to permit two detached single family dwellings on each parcel, consisting of the change of use of the existing two-family dwelling on each parcel to a single-family dwelling and a new carriage house with a single dwelling unit on the second floor and ground level parking on the first floor.
- 2). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce required parking from four (4) spaces for each parcel for two (2) detached dwelling units on each parcel to three (3) spaces on each parcel.
- 3). Section 3332.05(A)(4), Area District lot Width Standards, to reduce the required lot width from 50 feet to the existing 31.4 feet.
- 4). Section 3332.15, R-4 Area District Requirements, to permit two (2) detached single family dwellings on the existing 4,710 square foot lot.
- 5). Section 3332.19, Fronting, to permit the rear carriage house dwelling unit to not front on a public street.

6). Section 3332.25, Maximum Side Yards Required, to reduce maximum side yard from 6 feet to 4 feet for the existing dwelling at 1345 Hunter Avenue and from 6 feet to 3 feet for the two carriage houses.

7). Section 3332.26, Minimum Side Yard permitted, to reduce the minimum side yard from three (3) feet to 1.4', 1.0' and 0' for the existing dwellings at 1337 Hunter Avenue, 1345 Hunter Avenue and for a zero (0') side yard on a party wall for the two carriage houses, respectively.

8). Section 3332.27, Rear Yard, to reduce rear yard for each carriage house from 25% of lot area to 0% lot area, subject to providing rear yard as depicted on the Site Plan.

9). Section 3325.801, Maximum Lot Coverage, to increase the permitted lot coverage from 25% of lot area to 49% for each parcel.

10). Section 3325.805, Maximum Floor Area Ratio (FAR), to increase the permitted FAR from 0.40 to 0.62.

11/27/17

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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: CV17-081

STATE OF OHIO

COUNTY OF FRANKLIN

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

of (1) MAILING ADDRESS 411 E Town Street, 1st FL, Columbus, OH 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 1337 and 1345 Hunter Avenue, Columbus, OH 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) 11/28/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) LS Development Systems, LLC

c/o Dave Perry (Agent)

David Perry Company, Inc.

411 E Town Street, 1st FL, Columbus, OH 43215

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

Lykens Companies c/o Dave Perry

614-228-1727

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

(5) University Area Commission c/o Susan Keeny

358 King Avenue

Columbus, OH 43201

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

Sworn to before me and signed in my presence this 27th day of November, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

11-5-2018
My Commission Expires

Notary Seal



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

Stacy L. Danza
Notary Public, State of Ohio

My Commission Expires 11-05-2018

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Please make checks payable to the Columbus City Treasurer

EXHIBIT A, Public Notice
1337 Hunter Avenue
1345 Hunter Avenue
CV17- 081
November 27, 2017

APPLICANT

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

PROPERTY OWNER

LS Development Systems, LLC
c/o Dave Perry
David Perry Company, Inc.
411 East Town Street, 1st Floor
Columbus, Ohio 43215

ATTORNEY

Donald Plank
Plank Law Firm
411 East Town Street, 2nd Floor
Columbus, Ohio 43215

COMMUNITY GROUP:

University Area Commission
c/o Susan Keeny
358 King Avenue
Columbus, Ohio 43201

Highland Lane Rentals, LLC (or current
occupant)
c/o Northsteppe Realty Inc.
10 E 17th Avenue
Columbus, OH 43201-1568

Timothy J Sayre
Tracie D Sayre (or current occupant)
11202 Eagles Creek Ct.
San Diego, CA 92128-4084

Terry J Malinowski (or current
occupant)
1360 Hunter Avenue
Columbus, OH 43201

Ashley Duganiero
Antonio Duganiero (or current
occupant)
1346 Hunter Avenue
Columbus, OH 43201

EDS Sommer Properties, FLP (or
current occupant)
c/o Donna Sommer
1904 Lake Avenue
Huron, OH 44839-1117

PROPERTY OWNERS WITHIN 125 FEET

Estella Stephens
Robert Stephens (or current
occupant)
1155 Highland Street
Columbus, Ohio 43201-3277

Frank M Nichols
Jon S Vanoveren (or current
occupant)
1342 Highland Street
Columbus, OH 43201-3277

Adam M Moskowitz
Carolyn S Emmons (or current
occupant)
1356 Hunter Avenue
Columbus, OH 43201

Shirley T Jenkins (or current
occupant)
1342 Hunter Avenue
Columbus, OH 43201

Amanda L Robinson
Joachim B Moortgat (or current
occupant)
1332 Hunter Avenue
Columbus, OH 43201

Wags and Brown LLC (or current
occupant)
1289 Grandview Avenue
Columbus, OH 43212-3438

Anthony Mughan (or current
occupant)
1340 Highland Street
Columbus, OH 43201-3277

Frank R Zindler TR (or current
occupant)
1352 Hunter Avenue
Columbus, OH 43201-2773

Shabbir M Matcheswalla (or current
occupant)
1340 Hunter Avenue
Columbus, OH 43201

1337 Hunter Avenue
1345 Hunter Avenue
CV17- 081, November 27, 2017
Exhibit A, Public Notice
Page 1 of 2

1328 Hunter Avenue LLC (or current
occupant)
287 Brighton Road
Columbus, OH 43202-1023

Jeffrey T Haycock (or current
occupant)
1319 Hunter Avenue
Columbus, OH 43201

Mark A Owens (or current occupant)
86 W Rich Street
Columbus, OH 43215

1327 Hunter Avenue LLC (or current
occupant)
1327 Hunter Avenue
Columbus, OH 43201

LS Development Systems, LLC (or
current occupant)
1020 Dennison Avenue
Columbus, OH 43201-3497

Winkle OSU LLC (or current occupant)
10 N High Street, Suite 401
Columbus, OH 43215-3497

Steven Rosenberg (or current
occupant)
1609 Oakview Drive
Columbus, OH 43235-1138

Victorian MWTC, LLC (or current
occupant)
332 King Avenue
Columbus, OH 43201

Christina M Anderson (or current
occupant)
137 King Avenue
Columbus, OH 43201

GV Properties, Ltd. (or current
occupant)
c/o Buckeye Real Estate
PO Box 8310
Columbus, OH 43201-0310

Alexis a Hansen (or current occupant)
117 W King Avenue
Columbus, OH 43201

David C Murchie (or current occupant)
129 King Avenue
Columbus, Ohio 43201

Martha J McGreevy
Carolyn M Phillips (or current
occupant)
623 Overlook Drive
Columbus, OH 43214-2925

ALSO NOTIFY

Lykens Companies
c/o Kevin Lykens
1020 Dennison Avenue, Suite 102
Columbus, Ohio 43201

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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 # CV17-081

STATE OF OHIO
COUNTY OF FRANKLIN

Donald Plank (Plank Law Firm)

Being first duly cautioned and sworn (NAME) _____
of (COMPLETE ADDRESS) 411 E Town Street, 2nd FL, Columbus, OH 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. Lykens Companies 1020 Dennison Avenue, Suite 102 Columbus, Ohio 43201 # of Columbus Based Employees: 10 Contact: Kevin Lykens (614) 653-1212	2. LS Development Systems, LLC 1020 Dennison Avenue, Suite 102 Columbus, OH 43201 # of Columbus Based Employees: 0 Contact: Kevin Lykens (614) 653-1212
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 27th day of November, in the year 2017

Stacey L. Danza
SIGNATURE OF NOTARY PUBLIC

11-5-2018
My Commission Expires

Notary Seal Here



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

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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: 010009670

Zoning Number: 1345

Street Name: HUNTER AVE

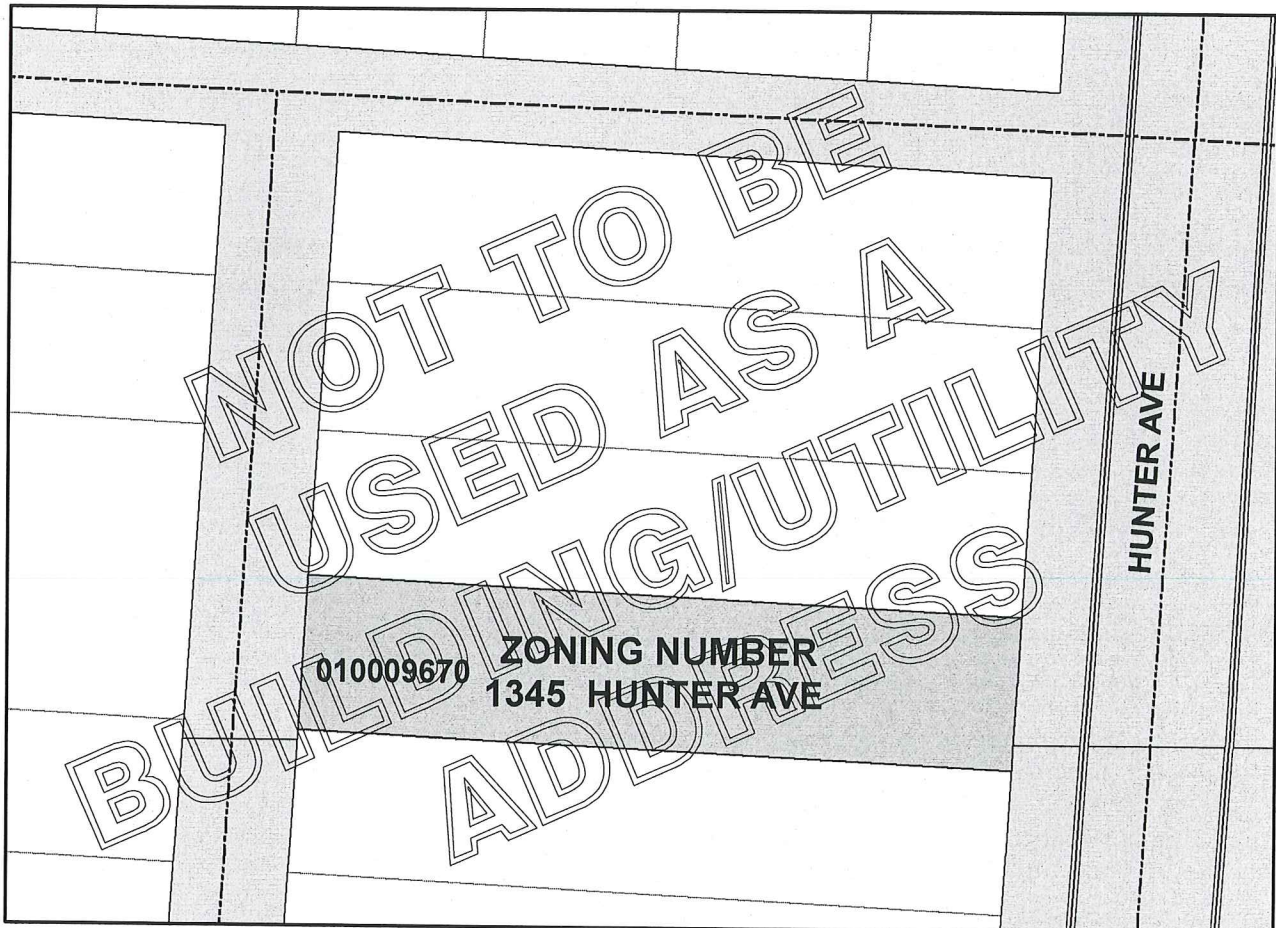
Lot Number: N/A

Subdivision: N/A

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

Issued By: Adugna Amariam

Date: 11/22/2017



010009670

ZONING NUMBER
1345 HUNTER AVE

HUNTER AVE



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

SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 108931

CV17-081

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: 010011866

Zoning Number: 1337

Street Name: HUNTER AVE

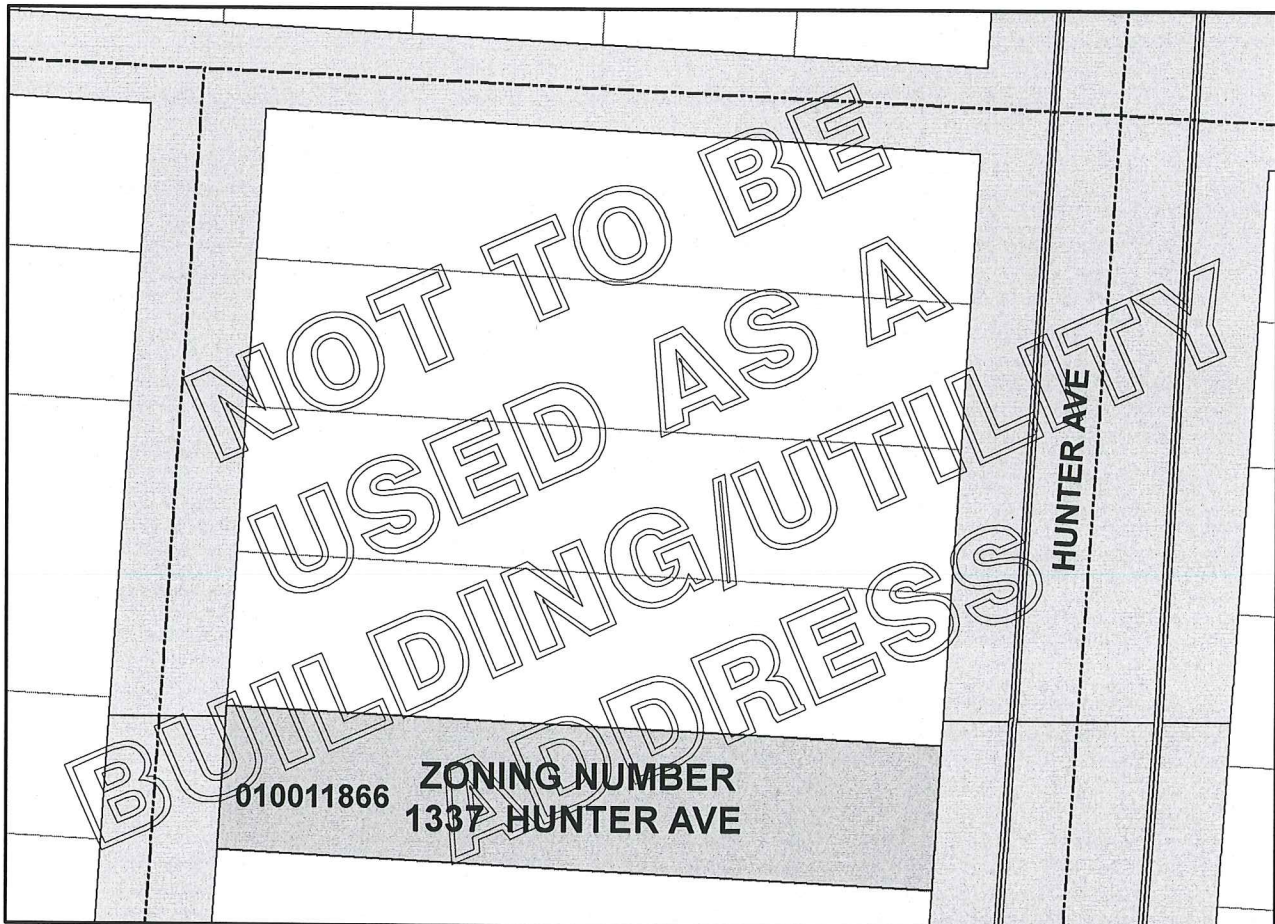
Lot Number: N/A

Subdivision: N/A

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

Issued By: *Adugna amariam*

Date: 11/22/2017



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

SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 108932

CV17-081

TRANSFERRED

SEP 01 2017

CLARENCE E. MINGO II
AUDITOR
FRANKLIN COUNTY, OHIO

19611

Conveyance
Mandatory- 485.00
Alternative- 485.00
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR

GENERAL WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS THAT JERRY A. EMERICK , unmarried, By Polly Emerick, his Attorney-in-Fact, ("Grantor"), for valuable consideration paid, grants, with general warranty covenants, to **LS DEVELOPMENT SYSTEMS LLC, an Ohio limited liability company, ("Grantee")**, whose tax mailing address is **1020 DENNISON AVENUE, SUITE 102, COLUMBUS, OHIO 43201**, the following real property:

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

Being Lots number One Hundred Ninety-nine (199) and Two Hundred (200), of DENNISON PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, pages 13, 14, and 15 Recorder's Office, Franklin County, Ohio.

PARCEL #: 010-011866-00 and 010-009670-00
Prior Instrument Reference: Volume 3769, Page 882 of the Deed Records of Franklin County, Ohio
Property Address: 1337 - 1339 Hunter Avenue and 1343 - 1345 Hunter Avenue, Columbus, OH 43201

TO HAVE AND TO HOLD the above premises, with the appurtenances thereunto belonging, unto the said Grantee, its successors and assigns forever.

AND THE SAID GRANTOR, for itself and its heirs and assigns, hereby covenants with the said Grantee, its successors and assigns, that said Grantor is well seized of the same in **FEE SIMPLE**, and has good right and full power to bargain, sell and convey the same in the manner of aforesaid, and that the same is **free from all encumbrances whatsoever**, except restrictions, conditions, reservations, and easements of record, zoning ordinances, if any, and taxes and assessments prorated to the date of transfer, and it will **Warrant and Defend** said premises, with the appurtenances thereunto belonging, to the said Grantee, its successors and assigns, against all lawful claims and demands whatsoever.

CV17-081

The Grantor has hereunto executed this deed this 25 day of AUGUST, 2017.

JERRY A. EMERICK By Polly Emerick,
JERRY A. EMERICK, By Polly Emerick,
his Attorney-in-Fact ATTORNEY-IN-FACT

ALL
STATE OF ~~OHIO~~ Florida
Sarasota COUNTY)ss

BEFORE ME a notary public in and for said county and state, personally appeared the above-named **JERRY A. EMERICK, unmarried, By Polly Emerick, his Attorney-in-Fact**, who acknowledged she did sign the foregoing instrument and that the same is her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal, this 25th day of August, 2017.



Carol A. Moore
NOTARY PUBLIC
STATE OF FLORIDA
Comm# GG092724
Expires 5/7/2021

Carol A. Moore
Notary Public

PROJECT NAME:
HUNTER HOUSES
1337 & 1345 HUNTER AVE

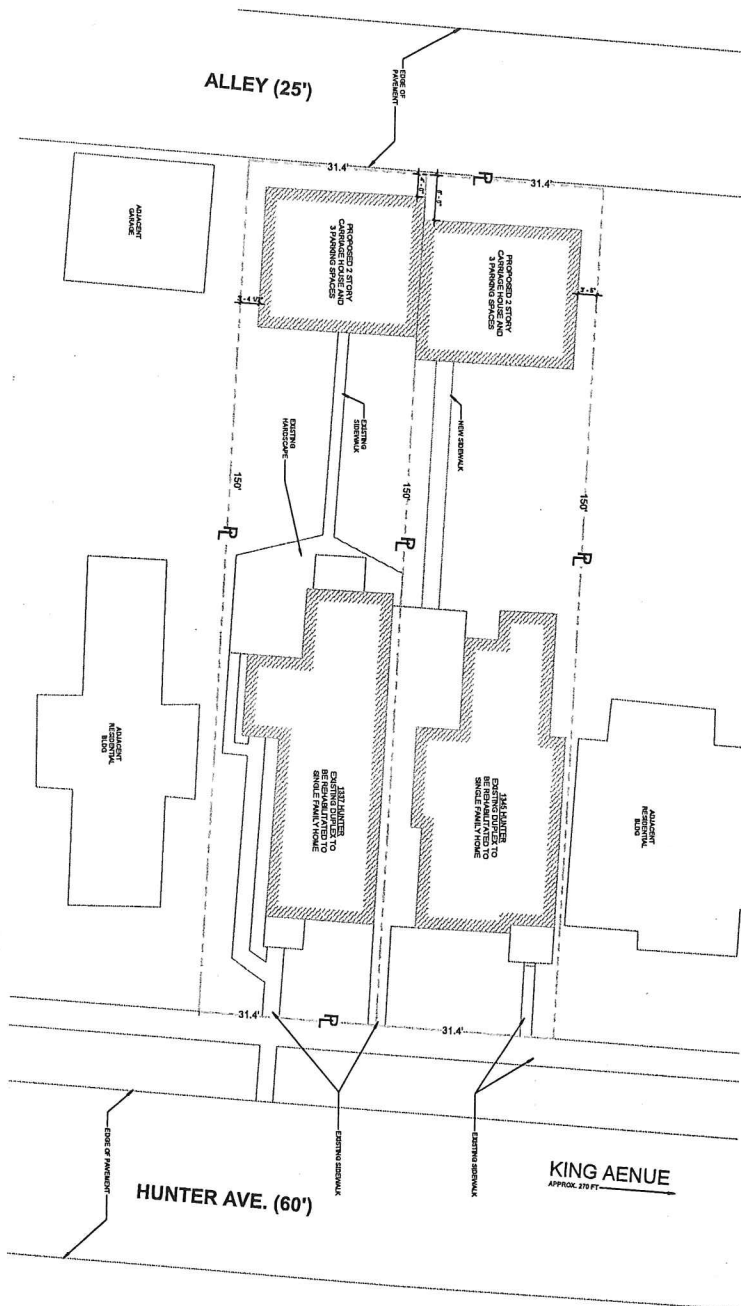
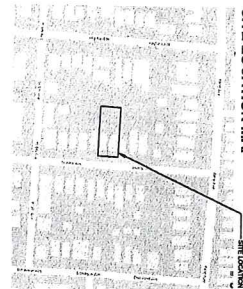
OWNER:
LS DEVELOPMENT SYSTEMS LLC
COLUMBUS OHIO

ARCHITECT:
SHREMSHOCK ARCHITECTS INC.
NEW ALBANY OHIO

PROJECT ZONING AND SITE INFORMATION

ADDRESS	1337 HUNTER AVE	1345 HUNTER AVE
TAX PARCELS	010-011866	010-009870
PROPOSED ZONING	.11 AC-4, 4700 SF-4	.11 AC-4, 4700 SF-4
EXISTING ZONING	R-4 RESIDENTIAL	R-4 RESIDENTIAL
PROPOSED	NO CHANGE	NO CHANGE
HEIGHT	H-35	H-35
USE	EXISTING 2700 SF 4-UNIT FAMILY DWELLING UNIT - PROPOSED TO BE REHABILITATED TO SINGLE-FAMILY DWELLING UNIT. A NEW 1380 SF DETACHED GARAGE TO BE ADDED TO THE FIRST FLOOR. NO THREE CAR GARAGE ON FIRST FLOOR.	EXISTING 2700 SF 4-UNIT FAMILY DWELLING UNIT - PROPOSED TO BE REHABILITATED TO SINGLE-FAMILY DWELLING UNIT. A NEW 1380 SF DETACHED GARAGE TO BE ADDED TO THE FIRST FLOOR. NO THREE CAR GARAGE ON FIRST FLOOR.
PARKING	3	3
REFERENCE	CITY OF COLUMBUS 300 GALLON	CITY OF COLUMBUS 300 GALLON

SITE LOCATION MAP



CV17-



CV17-081

1337 & 1345 HUNTER AVE
COLUMBUS, OH 43201

SHREMSHOCK

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

TITLE: PROJECTUAL SITE PLAN
SCALE: 1"=10'-0"
DATE: 12/20/17
DRAWN BY: 1770250
CHECKED BY: A001
PROJECT: 1337 & 1345 HUNTER AVE

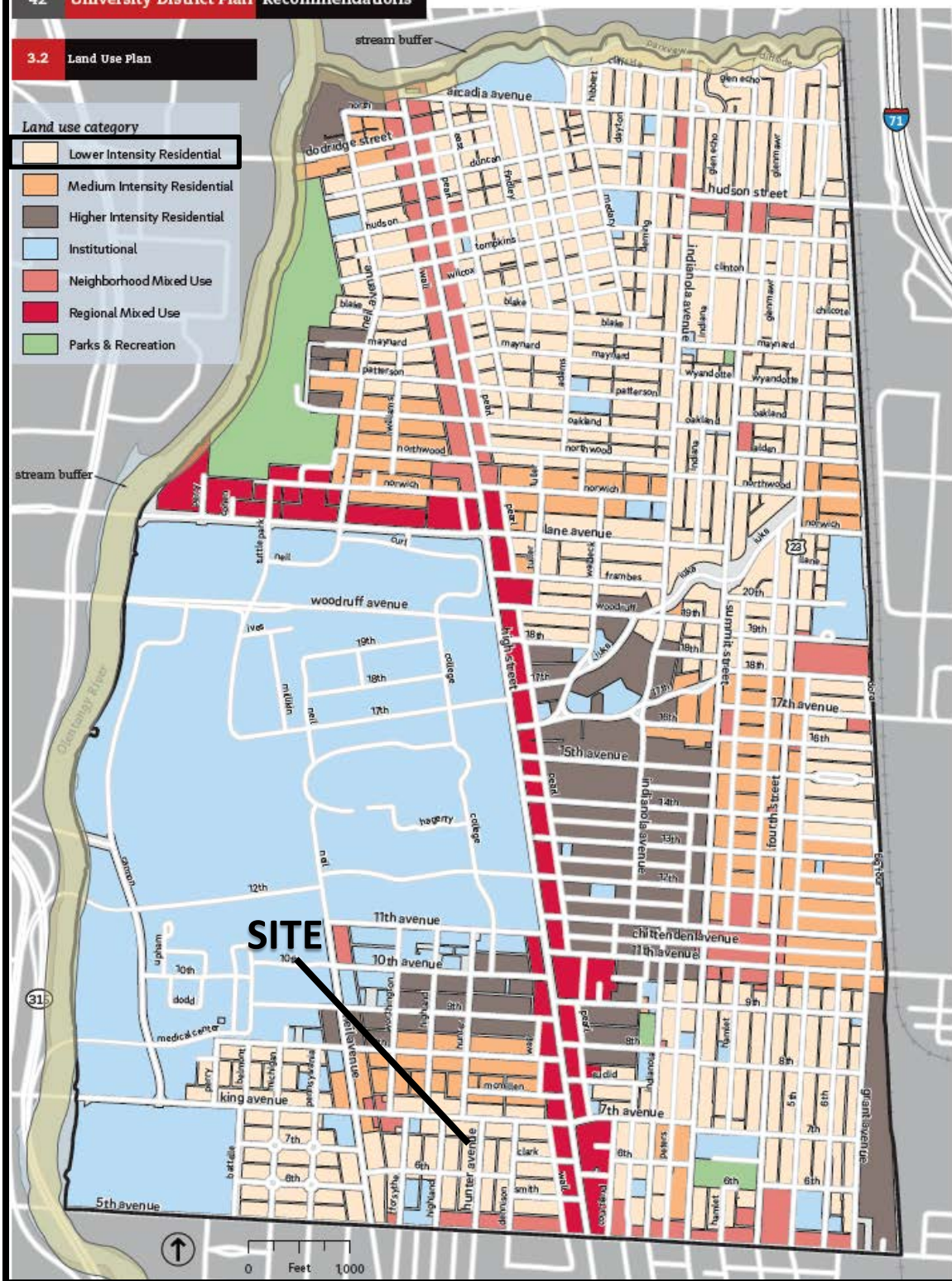


CV17-081
1337 & 1345 Hunter Avenue
Approximately 0.21 acres

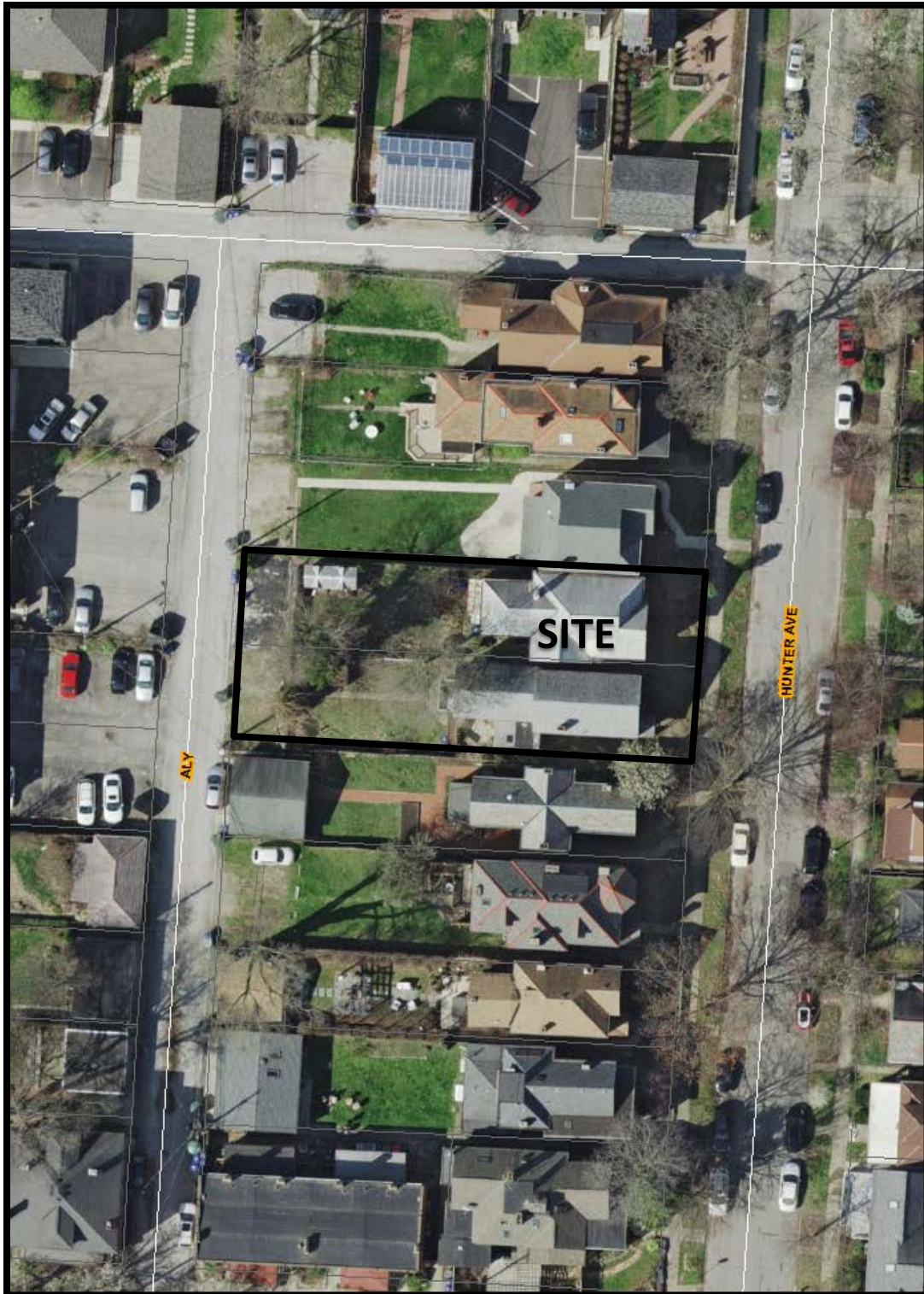
3.2 Land Use Plan

Land use category

- Lower Intensity Residential
- Medium Intensity Residential
- Higher Intensity Residential
- Institutional
- Neighborhood Mixed Use
- Regional Mixed Use
- Parks & Recreation



CV17-081
1337 & 1345 Hunter Avenue
Approximately 0.21 acres



CV17-081
1337 & 1345 Hunter Avenue
Approximately 0.21 acres