



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services
757 Carolyn Avenue, Columbus, Ohio 43224 • Phone: 614-645-7433 • www.columbus.gov

OFFICE USE ONLY

Application Number: CV12-054 / 12315-00000-00629
Date Received: 10/17/12
Application Accepted By: S. Pine Fee: \$1600
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 172-174 Thurman Avenue Zip 43206
Is this property currently being annexed into the City of Columbus [ ] Yes [x] No
If the site is pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.
Parcel Number for Certified Address: 010-025952
[ ] Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s): R2F
Recognized Civic Association or Area Commission: German Village Commission
Proposed use or reason for Council Variance request: General Business (Professional Services) / Change of Use
Acreage: 0.162

APPLICANT: Name Mark Ours
Address 170 Thurman Avenue City/State Columbus Ohio Zip 43206
Phone # 614-571-5817 Fax # Email: mark@on-architects.com

PROPERTY OWNER(S): Name Mark and Kerriann Ours
Address 170 Thurman Avenue City/State Columbus Ohio Zip 43206
Phone # 614-571-5817 Fax # Email: mark@on-architects.com

ATTORNEY / AGENT [ ] Attorney [x] Agent
Name Self / Architect
Address City/State Zip
Phone # Fax # Email:

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)
APPLICANT SIGNATURE
PROPERTY OWNER 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.
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Please make all checks payable to the Columbus City Treasurer



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CV12-054

## 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.

**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 requested as detailed below:**

See attached.

Signature of Applicant

Date

10/16/12

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C12-054  
**STATEMENT OF HARDSHIP**  
172-~~174~~ Thurman Avenue

The site is located on the north side of Thurman Avenue between Fourth Street and Jaeger Street. The site is zoned R2F - Single or Double Family as is most of the area within the German Village Commission boundaries. This particular city block is commercial in nature and highly traveled by both cars and pedestrians. Many businesses exist on this block both in commercial and residential buildings including The Thurman Cafe, Easy Street Cafe, German Village Coffee Shop, Dog Works, Amy Levine & Associates - Attorneys, and Lee Howard, Psychologist. The existing non-conforming use of the subject property is a barbershop with a single family residence side by side on the same parcel. Typical of the commercial corridor there are many businesses with limited or no on-site parking. Parking for residents is readily available and accessed from the rear of the premises, in this case on Redbud Alley at the northern edge of the property. There is also parking on Thurman Avenue available directly in front of all businesses and residences.

The German Village Commission is empowered to review historic appropriateness for exterior alterations of this property. An application for appropriateness has been submitted to this body.

Our proposal, as owner's of the property, is to change the non-conforming use of the barbershop (retail) into general business (professional services). The barbershop has been operating continuously in this location since the structure was erected in 1940. Originally the owner of the single family residence occupied the commercial structure as an owner / occupant. Over the years the building became a leased facility. The goal is for the structure to again become owner occupied and to house professional services (architecture and design) in lieu of the barbershop use. Professional Services will be a less intensive use in many ways. Daily visitors to the barbershop range from 10 to 30 people. Some come by foot and others by car. The traffic generated by this use creates demand on the on-street parking. It should also be noted that the barbershop keeps evening and weekend hours when residential neighbors are home. The proposed use of 'Professional Services' will drop the daily traffic to 5 persons or less per day and the hours will be weekdays only from 8am to 6pm.

We are seeking relief from the additional off-street parking requirement. Zoning code requirements for parking at this structure would be 1 car (1:300 sf for general business and the structure is 280 sf). As owner occupant of the structure this parking stall is being double counted. With the change from the barbershop to professional services the parking demand in this portion of the block will be greatly reduced.

All of the variance related to building lines and setbacks are existing conditions.

Variance's Required -

- 1) Variance to section 3332.037 to allow the use of general office on a residentially zoned lot in an existing retail structure.
- 2) Variance to section 3312.49, Table 2, to reduce the additional required parking from one space to no spaces.
- 3) Variance to section 3332.21 (F) which states that a building line can be determined by the average of buildings on continuous lots, but in no case less than 10 feet, to allow this existing detached building at a building setback line of 6.5' feet
- 4) Variance to section 3332.26 which requires a minimum side yard setback of 5 feet for a lot wider than 40 feet in an R2F district to allow for existing conditions of this detached structure which has no setback on the eastern side property line. Vary 5 feet to 0 feet.
- 5) Variance to section 3332.25 which requires a maximum side yard total of 20 percent of the lot width ( 8.3 feet in this case), for a lot wider than 40 feet in an R2F district to allow for existing conditions of approximately 2.3 feet of side yard total between the two sides.



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV12-054

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Mark Ours
of (1) MAILING ADDRESS 170 Thurman Avenue Columbus Ohio 43206

deposed 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 172 1/4 Thurman Avenue for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 10/17/12 (THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) Mark and Kerriann Ours
170 Thurman Avenue
Columbus Ohio 43206

APPLICANT'S NAME AND PHONE # (same as listed on front of application) Mark Ours
614-571-5817

AREA COMMISSION OR CIVIC GROUP AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS (5) German Village Commission
Attn: Cristin Moody / Historic Preservation
109 N. Front Street - First 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)

(7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT (8) [Signature]

Subscribed to me in my presence and before me this 16th day of October, in the year 2012

SIGNATURE OF NOTARY PUBLIC (8) [Signature]

My Commission Expires: 8/26/13

Notary Seal Here



MELISSA ADAMS
Notary Public, State of Ohio
My Commission Expires 08/26/2013

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CW12-054

APPLICANT

ON Architects LLC  
Attn: Mark Ours  
170 Thurman Avenue  
Columbus Ohio 43206

OWNER

Mark & Keriann Ours  
170 Thurman Avenue  
Columbus Ohio 43206

AREA COMMISSION

German Village Commission  
Cristin Moody  
109 N. Front Street – 1<sup>st</sup> Floor  
Columbus, OH 43215

SURROUNDING PROPERTY OWNERS

ZEBULON BEDDES  
192 E THURMAN AV  
COLUMBUS OHIO 43206

CONNOR XI LIMITED LLC  
181 THURMAN AV  
COLUMBUS OHIO 43206

JOHN CORBIT  
KENNETH STIKELEATHER  
173 THURMAN AV  
COLUMBUS OHIO 43206

ADAM FAZIO & KARL WHITTINGTON  
180 E THURMAN AV  
COLUMBUS OHIO 43206

SCOTT & DEBRA FEIL  
176 E THURMAN AV  
COLUMBUS OHIO 43206

CHRISTA FOREMAN  
189 -193 THURMAN AV  
COLUMBUS OHIO 43206

MAXINE HAAS SU-TR  
157 -159 THURMAN AV  
COLUMBUS OHIO 43206

BRIAN HOUSE TR  
157 E DESHLER AV  
COLUMBUS OHIO 43206

MARYELLEN KAHN  
165 E DESHLER AV  
COLUMBUS OHIO 43206

MERILYN S KAPLIN  
207 E DESHLER AV  
COLUMBUS OHIO 43206

AMY M LEVINE  
147 THURMAN AV  
COLUMBUS OHIO 43206

THOMAS & JILL LEVY  
199 E DESHLER AV  
COLUMBUS OHIO 43206

ANDIE F LITTLE  
175 E DESHLER AV  
COLUMBUS OHIO 43206

WILLIAM A MAINS  
179 E DESHLER AV  
COLUMBUS OHIO 43206

MELINDA V MICHAEL  
189 E DESHLER AV  
COLUMBUS OHIO 43206

JASON C PINNEY  
158 NURSERY LN  
COLUMBUS OHIO 43206

LAWRENCE SCHAFFER  
160 E THURMAN AV  
COLUMBUS OHIO 43206

SANDFORD BOONE SCHIRMER  
148 E THURMAN AV  
COLUMBUS OHIO 43206

MICHAEL & PAUL & DONNA SUCLESCY  
183 -185 THURMAN AV  
COLUMBUS OHIO 43206

ANITA SUCLESCY  
188 E THURMAN AV  
COLUMBUS OHIO 43206

TED & JANET TOBLER  
181 E DESHLER AV  
COLUMBUS OHIO 43206

SURROUNDING PROPERTY OWNERS

JOSEPH TURBETT  
CHERYL SUBLER  
156 E THURMAN AV  
COLUMBUS OHIO 43206

JAMES & NANCY TURNER  
164 E THURMAN AV  
COLUMBUS OHIO 43206

HEATHER WHITE  
182 E THURMAN AV  
COLUMBUS OHIO 43206

JOSHUA SECREST  
161 THURMAN AV  
COLUMBUS OHIO 43206

HV RENTALS LLC  
215 GRAND AVE  
PARK RIDGE IL 60068

NICHOLAS DEAN  
167 THURMAN AV  
COLUMBUS OHIO 43206

TAYLOR LIES  
169 THURMAN AV  
COLUMBUS OHIO 43206

PAUL CARNEY  
CATHERINE BLACKMORE  
160 NURSERY LANE  
COLUMBUS OHIO 43206

DANNY O'ROURKE  
164 NURSERY LANE  
COLUMBUS OHIO 43206

NICHOLAS MESZAROS  
166 NURSERY LANE  
COLUMBUS OHIO 43206

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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 # CW12-054

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Mark Ours

Of [COMPLETE ADDRESS] 172-174 Thurman Avenue

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 formats

- 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. Mark and Keriann Ours 170 Thurman Avenue Columbus Ohio 43206 (614) 571-5817	2.
3.	4.

Check here if listing additional parties on a separate page.

### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 16<sup>th</sup> day of October, in the year 2012

### SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal



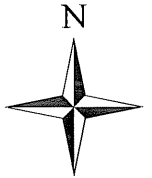
MELISSA ADAMS  
Notary Public, State of Ohio  
My Commission Expires 08/26/2013

This Project Disclosure Statement expires six months after date of notarization.

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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: 010025952

Zoning Number: 172

Street Name: THURMAN AVE

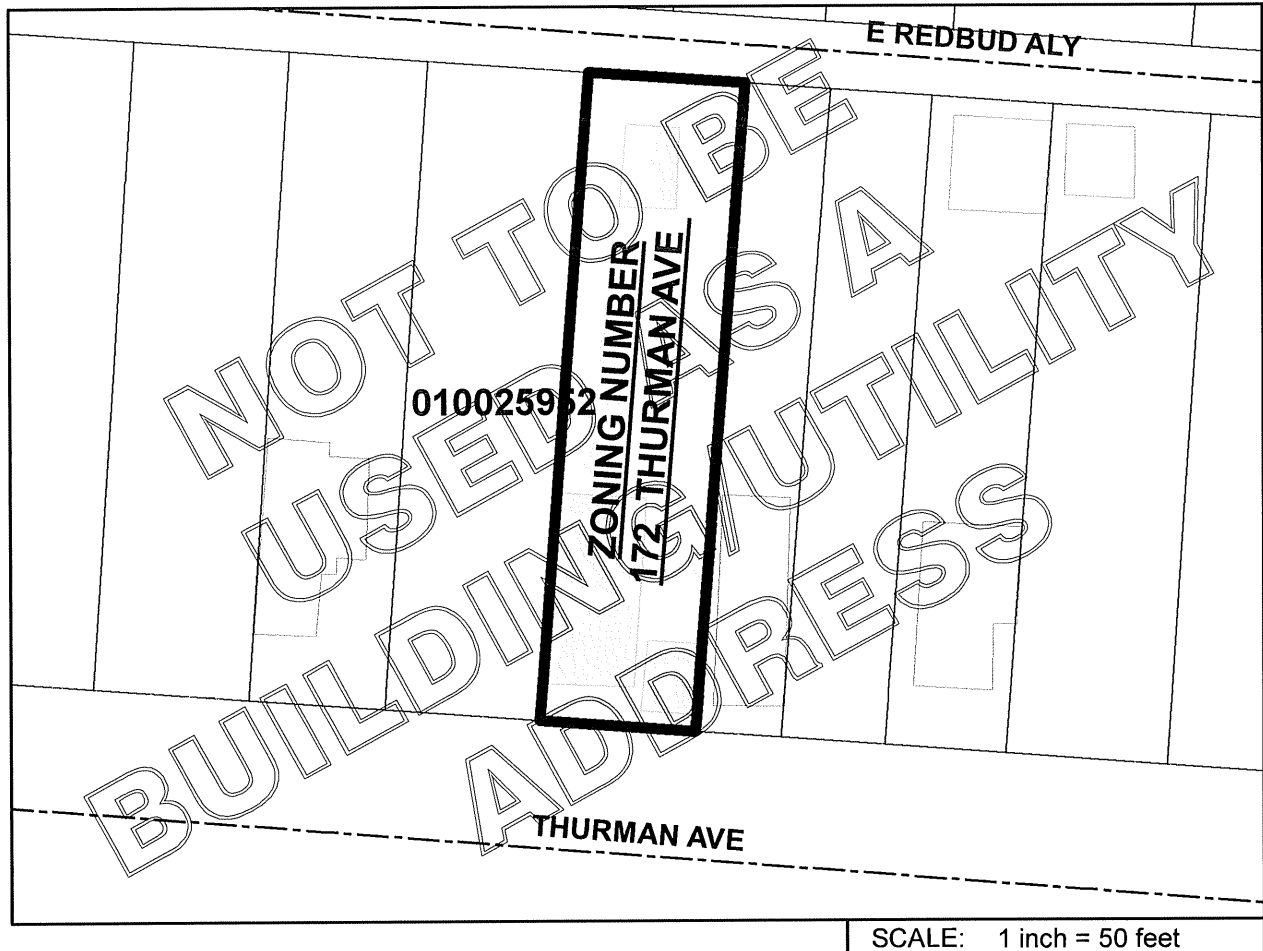
Lot Number: 19

SUBDIVISION: DESHLER THURMAN & BENNETT

Requested By: ON ARCHITECTS LLC (MARK OURS)

Issued By: *Patricia Austin*

Date: 10/11/2012



SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 11765



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

CV12-054



# MORTGAGE LOCATION SURVEY

071411

**TITLE COMPANY:** NORTHWEST SELECT TITLE AGENCY  
**LENDER:** INSIGHT BANK  
**BUYER:** MARK AND KERIANN OURS  
**SELLER:** DONALD SHACKLEFORD  
**DATE:** 11/23/11  
**ORDER NO.:** 0714-11

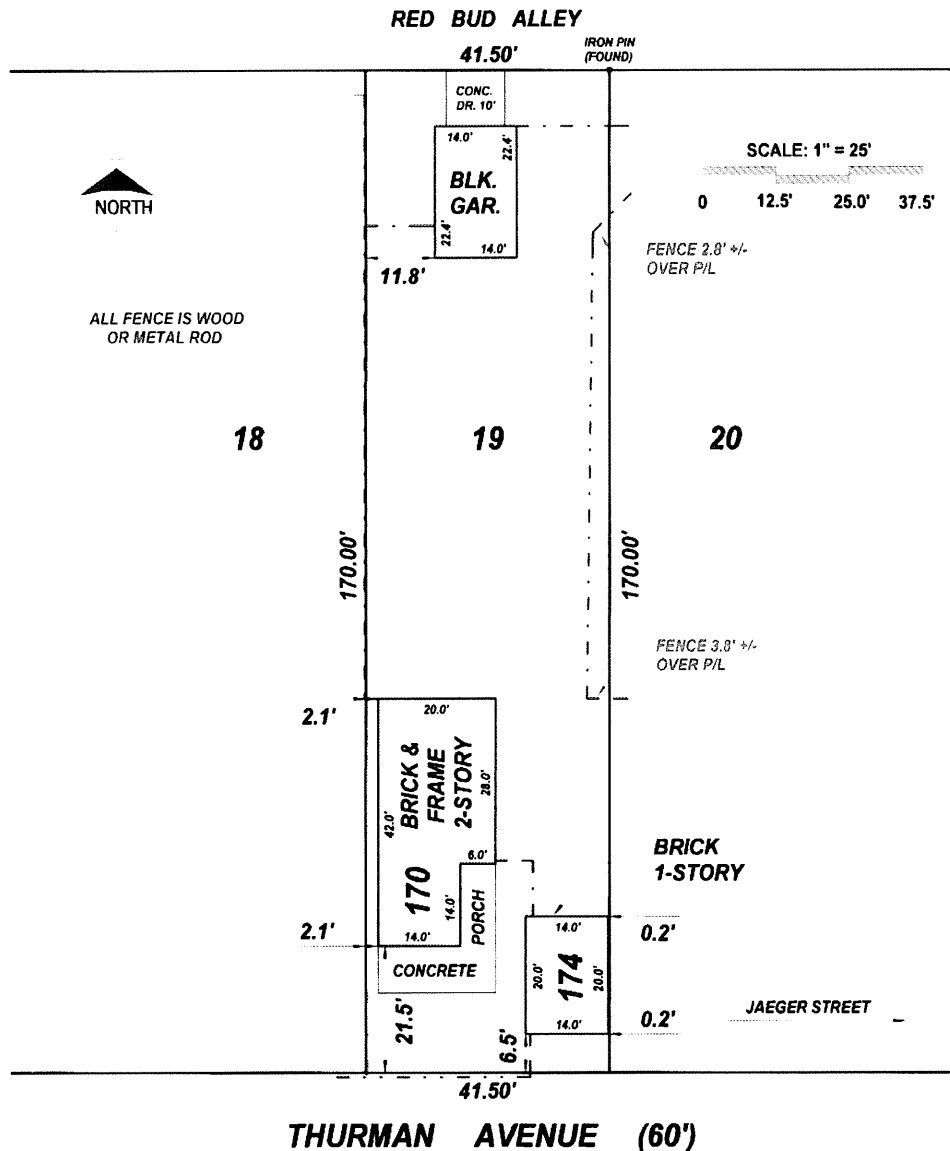


**LEGAL DESCRIPTION:** BEING LOT NO. 19 OF DESHLERS THURMAN & BENNETT'S SUBDIVISION, OF RECORD IN PLAT BOOK 3, PAGE 158, FRANKLIN COUNTY RECORDER'S OFFICE, CITY OF COLUMBUS, STATE OF OHIO.

PARCEL NO. 010-025952-00

TITLE CO. FILE NO. NWS-5044


**APPARENT ENCROACHMENTS:** WOOD FENCE 3' 8" +/- (MAX) ONTO SUBJECT PROPERTY



**COMPASS  
SURVEYING  
SOLUTIONS**

P.O. Box 1902  
 Westerville, Ohio 43086-1902  
 Phone: (614)378-9140  
 Fax: (614)891-5889  
 CompassSurveying@yahoo.com

We hereby certify that the foregoing MORTGAGE LOCATION SURVEY was prepared in accordance with Chapter 4733-38, Ohio Administrative Code and is not a boundary survey pursuant to Chapter 4733-37 Ohio Administrative Code. This plat is prepared for mortgage loan and title purposes only and does not show the location of fences or landscaping. This plat is not to be used for the construction of any improvements.

By   
**G. Dean Erlenbach**  
 Ohio Registered Surveyor No. 7272

CW12-054



201112050157878  
 Pgs: 2 \$28.00 T20110078194  
 12/05/2011 2:13PM BXCROWN  
 Daphne Hawk  
 Franklin County Recorder

17286

TRANSFERRED

DEC 05 2011

CLARENCE E. MINGO II  
 AUDITOR  
 FRANKLIN COUNTY, OHIO

Conveyance	
Mandatory-	229,90
Permissive-	229,90
CLARENCE E. MINGO II FRANKLIN COUNTY AUDITOR	

**GENERAL WARRANTY DEED**

DONALD SHACKELFORD, UNMARRIED,  
 of Franklin County, Ohio, for valuable consideration paid, grant(s) with general warranty covenants, to  
 MARK E. OURS AND KERIANN OURS  
 for their joint lives, remainder to the survivor of them, whose tax-mailing address is,

8760 Orion Place, 1<sup>st</sup> Floor, Columbus, Ohio 43240

the following REAL PROPERTY:

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

Being Lot Number Nineteen (19) of DESHLER, THURMAN & BENNETT'S SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 158, Recorder's Office, Franklin County, Ohio.

**PROPERTY ADDRESS: 172-174 Thurman Avenue, Columbus, OH 43206**  
**PARCEL NUMBER(S): 010-025952-00**

SUBJECT TO RESERVATIONS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF RECORD IF ANY AND TAXES AND ASSESSMENTS HEREAFTER DUE AND PAYABLE.

Prior Instrument(s) of Reference: Instrument Number 201012280176890 of the Deed Records of Franklin County, Ohio.

NWS-5044-D (1)

C112-054



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: 6

DATE: 10/9/12



Disclaimer

Scale = 100



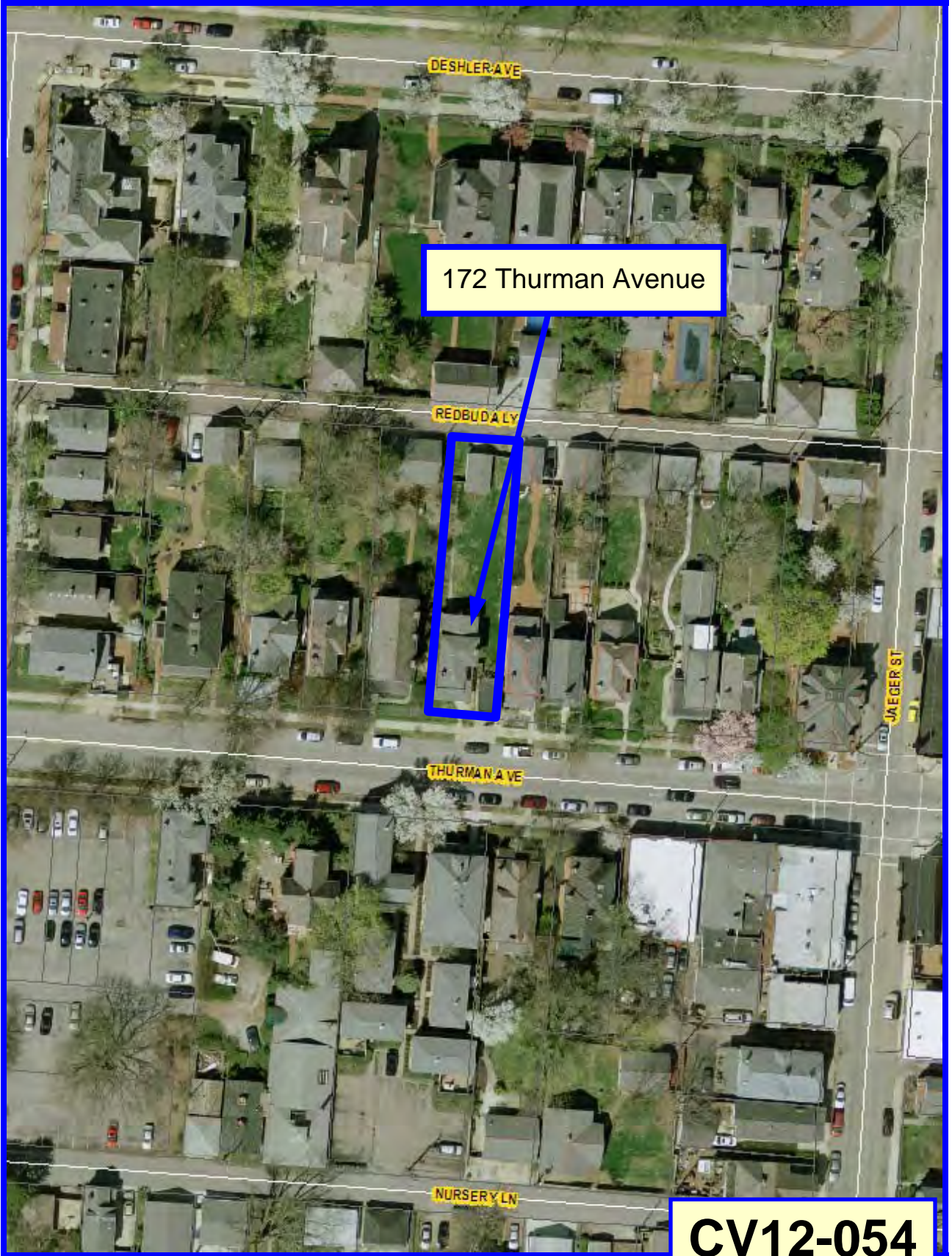
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department

C112-054



**CV12-054**



DESHLER AVE

REDBUD A LY

THURMAN A VE

NURSERY LN

JAEGER ST

172 Thurman Avenue

CV12-054