



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: CV14-025/14315-00000-00267
Date Received: 4/29/14
Application Accepted By: TP + SP Fee: _____
Comments: Assigned to Tori Proehl; 645-2749; vjproehl@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 305 E 5TH AVE Zip 43201
Is this property currently being annexed into the City of Columbus ☐ Yes ☒ 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: 010-039119 & 010-042782
☐ Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s): R-4
Civic Association or Area Commission: ITALIAN VILLAGE COMMISSION
Proposed use or reason for Council Variance request: RESIDENTIAL & COMMERCIAL USES; AND AREA VARIANCES
Acreage: 5543.36 # & 5543.36 #

APPLICANT: Name CONNIE J. KLEMA, ATTORNEY
Address 145 E. RICH ST, 2ND FL City/State COLUMBUS/OHIO Zip 43215
Phone # 614 469 9122 Fax # N/A Email: CKLEMA@PROHID.COM

PROPERTY OWNER(S): Name NEW VICTORIANS, INC.
Address 455 W. 3RD AVE City/State COLS/OH Zip 43201
Phone # N/A Fax # N/A Email: N/A
☐ Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT

☒ Attorney ☐ Agent

Name CONNIE J. KLEMA, ATTORNEY
Address 145 E. RICH ST., 2ND FL City/State COLUMBUS/OHIO Zip 43215
Phone # 614-469-9122 Fax # N/A Email: CKLEMA@PROHID.COM

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Connie J. Klemma, Attorney
PROPERTY OWNER SIGNATURE Connie J. Klemma, Attorney, on BEHALF OF PROPERTY OWNER
ATTORNEY / AGENT SIGNATURE Connie J. Klemma, Attorney

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 all checks payable to the Columbus City Treasurer



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CV14-025

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

Louis J. Kline

Date

4/15/14

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STATEMENT OF HARDSHIP**305-307 E FIFTH AVENUE****COLUMBUS, OHIO**

This application is for two (2) adjacent parcels with one owner, 305 & 307 E. Fifth Avenue.

Both 305 and 307 are existing platted lots that front on E. Fifth Avenue on the north and front on Greenwood Avenue on the south. Both parcels are 32' wide and 173.23' deep. 305 has a two (2) story commercial looking structure fronting on E. Fifth Avenue that was built in 1920 and was and continues to be used for commercial uses. 307 is vacant.

Both 305 and 307 are zoned R-4. The commercial use in 305 is a legal, nonconforming use.

The owner wishes to continue the commercial uses on the first floor of 305 and convert the second floor to residential units, and to construct a two (2) story structure fronting on E. Fifth Avenue on 307 with commercial uses on the first floor and residential units on the second floor. The owner also wishes to construct a single family home on 307 fronting on Greenwood Avenue.

Beginning in the early 1900's, this area of E. Fifth Avenue was developed with a mixture of commercial and residential structures for a mixture of commercial and residential uses. The owner seeks use variances to permit the same: commercial uses on 305, commercial uses on 307, and residential units on both parcels.

As is common in historical areas of the City, use types are not designated to one subdivision or the other but are mixed. Also, lots are narrower and deep to accommodate greater density. The owner seeks variances to permit mixed uses historically intended for this area and the improvements to accommodate those uses on lots that were not designed under the current zoning code.

The use of the parcels for commercial and residential use will not adversely affect the surrounding neighborhood which was and is developed with commercial and residential structures. The development will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of the 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.

The requested variances address the practical difficulties of developing parcels not designed under the current zoning code and unusual hardships of permitting mixed uses under the current R-4 district.

LIST OF VARIANCES**305 E FIFTH AVENUE & 307 E FIFTH AVENUE****1. 3332.039 R-4:**

>305 E. Fifth Ave: A variance to permit commercial uses *on the 1st floor.

>307 E. Fifth Ave: A variance to permit commercial uses* on the 1st floor, and to permit one single family dwelling and one dwelling with four (4) dwelling units on one lot.

2. 3332.05 Area District Lot Width Requirements:

>305 E. Fifth Ave: To permit a lot width measured at the front lot line of no less than 32 feet.

>307 E. Fifth Ave: To permit a lot width measured at the front lot line of no less than 32 feet.

3. 3332.15 R-4 Area District Requirements:

>307 E. Fifth Ave: To permit a single family dwelling and a dwelling with four (4) dwelling units to be situated on a lot with an area that is 5,543 square feet (3,072 square feet per 3332.18(C)**), being 1,109 square feet per dwelling unit.

4. 3332.21(F) Building Line:

> 305 E. Fifth Ave: To permit the building line to be zero (0) feet from the front lot line.

>307 E. Fifth Ave: To permit the building line to be seven (7) feet from the lot line on the north and to be six (6) feet from the lot line on the south.

5. 3332.25 Maximum Side Yards Required:

>305 E. Fifth Ave: To permit the sum of the widths of each side yard to be less than 20 percent of the width of the lot and to be 3.2 feet.

>307 E. Fifth Ave: To permit the sum of the widths of each side yard to be less than 20 percent of the width of the lot and to be 6 feet.

6. 3332.26 Minimum Side Yard Permitted:

>305 E. Fifth Ave: To permit the minimum side yard to be less than 3 feet and be 0.6 feet on the east and 2.5 feet on the west.

7. 3332.27 Rear Yard:

>307 E. Fifth Ave: To permit the 25 percent rear yard of the total lot area to be shared by the single family dwelling and the dwelling with four (4) dwellings units.

8. 3332.28 Side or Rear Yard Obstruction:

>305 E. Fifth Ave: To permit the area required to be open from the finished grade to the sky in the rear yard to be obstructed by pavement for parking and maneuvering.

>307 E. Fifth Ave: To permit the area required to be open from the finished grade to the sky in the rear yard to be obstructed by pavement for parking and maneuvering.

9. 3312.49 Minimum Number of Parking Spaces:

>307 E. Fifth Ave: To permit nine (9) on-site parking spaces when 14 are required for most intense retail uses. ***

10. 3312.25 Maneuvering:

>305 E. Fifth Ave: To permit maneuvering areas for parking spaces to occur on the adjacent lot known as 307 E. Fifth Ave.

>307 E. Fifth Ave: To permit maneuvering areas for parking spaces to occur on the adjacent lot known as 305 E. Fifth Ave.

11. Parking Setback Line:

>305 E Fifth Ave: To permit the parking setback line to be less than ten (10) feet.

(*): The "commercial" uses sought under the Council Variance are as follows:

> All uses permitted under 3351.03 C-1.

(**): Basis of Computing Area: According to 3332.18(C), if the depth of a lot in a R-4 district is more than three times the width of such lot, a depth of only three times such width shall be used in computing density. 307 E. Fifth Ave. has a width of 32' and a depth of 173.23' which is more than three times the width, therefore, the area of 305 E. Fifth is $32' \times 96 = 3,072$.

(***): 305 E. Fifth Avenue has eight (8) parking spaces and only six (6) spaces are required. Therefore, two (2) of the parking spaces located on 305 E. Fifth Avenue will be available for use by 307 E. Fifth Avenue, which will be confirmed in an easement granted to 307 E. Fifth for parking, access and maneuvering on 305 E. Fifth. Therefore, 307 E. Fifth will have 9 parking spaces on-site and 2 parking spaces on the adjacent 305 E. Fifth by easement, making the parking shortage only 3 spaces.



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-025

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME CONNIE J. KLEMA, ATTORNEY
of (1) MAILING ADDRESS 145 E RICH ST, 2ND FL, COLS. OH 43215

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 305 E 5TH AVE

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) 4/29/14

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) NEW VICTORIANS, INC.
455 W. THIRD AVE
COLUMBUS OH 43201

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

CONNIE J. KLEMA, ATTORNEY
614-469-9122

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

(5) ITALIAN VILLAGE COMMISSION
CONNIE TORBECK
50 W. 64th STREET, 4TH FLOOR, COLS 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) Connie J. Klema

Subscribed to me in my presence and before me this

21st day of April, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8) Gordon P. Shuler
GORDON P. SHULER, Attorney At Law

My Commission Expires:

NOTARY PUBLIC-STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R. C.

Notary Seal Here

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CV14-025

Kevin & Kimberly McMahon
61 Buckeye Dr.
Powell, Ohio 43065

Omni Management
Group Ltd
3443 Agler Rd.
Columbus, Ohio 43219

Pepper D. Johnson
1797 Bryden Rd.
Columbus, Ohio 43205

Wheeler Investments LLC
3400 W High St STE 260
Columbus, Ohio 43202

WD Investments LLC
1500 W 3rd Ave STE 400
Columbus, Ohio 43212

Michael A Ford
302 E. Fourth Ave.
Columbus, Ohio 43201

Allen Grace
1267 Loretta Ave
Columbus, Ohio 43211

Hazel McGinnis
280 E. Fourth Ave
Columbus, Ohio 43201

Chase Home Finance LLC
1 Corelogic Dr.
Westlake, TX 76262

Federal National Mortgage
Association
P.O. Box 650043
Dallas, TX 75265

Robert McDermott LLC
P.O. Box 218298
Columbus, Ohio 43221

Robert McDermott LLC
294 E Fourth Ave
Columbus, Ohio 43201

Fairfax Homes
111 Fairfax Ct
Granville, Ohio 43023

Fairfax Homes Inc.
345 Forest St.
Columbus, Ohio 43206

Platinum Rentals Inc.
P.O. Box 2211026
Columbus, Ohio 43221

Platinum Rentals Inc.
P.O. Box 211026
Columbus, Ohio 43221

Jonathan J. Joseph
13507 Bermingham Manor Dr
Laurel MD 20708

Charlet M Chisolm
295 E Fifth Ave.
Columbus, Ohio 43201

Charles Pegram
301 E Fifth Ave
Columbus, Ohio 43201

Charles Pegram
294 E Greenwood Ave
Columbus, Ohio 43201

New Victorians Inc.
455 W 3rd Ave
Columbus, Ohio 43201

Richard & Marie Potts
3264 Mann Rd
Blacklick, Ohio 43004

Lennea A Tinsky, TR
391 Oakland Park Ave.
Columbus, Ohio 43214

Anna M Jones
Anna M Jones TR
2463 Haviland Rd
Columbus, Ohio 43220

Anna M Jones
Anna M Jones TR
306 E Fifth Ave
Columbus, Ohio 43201



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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 #

CM4-025

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] CONNIE J. KLEMA, ATTORNEY

Of [COMPLETE ADDRESS] 145 E. RICH ST, 2ND FL, COLS, 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 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. <u>NEW VICTORIANS, INC.</u> <u>455 W. THIRD AVE</u> <u>COLS, OH 43201</u> <u>NUMBER OF COLS. BASED EMPLOYEES = 6</u> <u>JOE ARMENI - 614-291-7555</u>	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 21ST day of April, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

GORDON P. SHULER, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R. C.

Notary Seal Here

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

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City of Columbus Zoning Plat



CV14-025

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: 010042782, 010039119

Zoning Number: 305

Street Name: E 5TH AVE

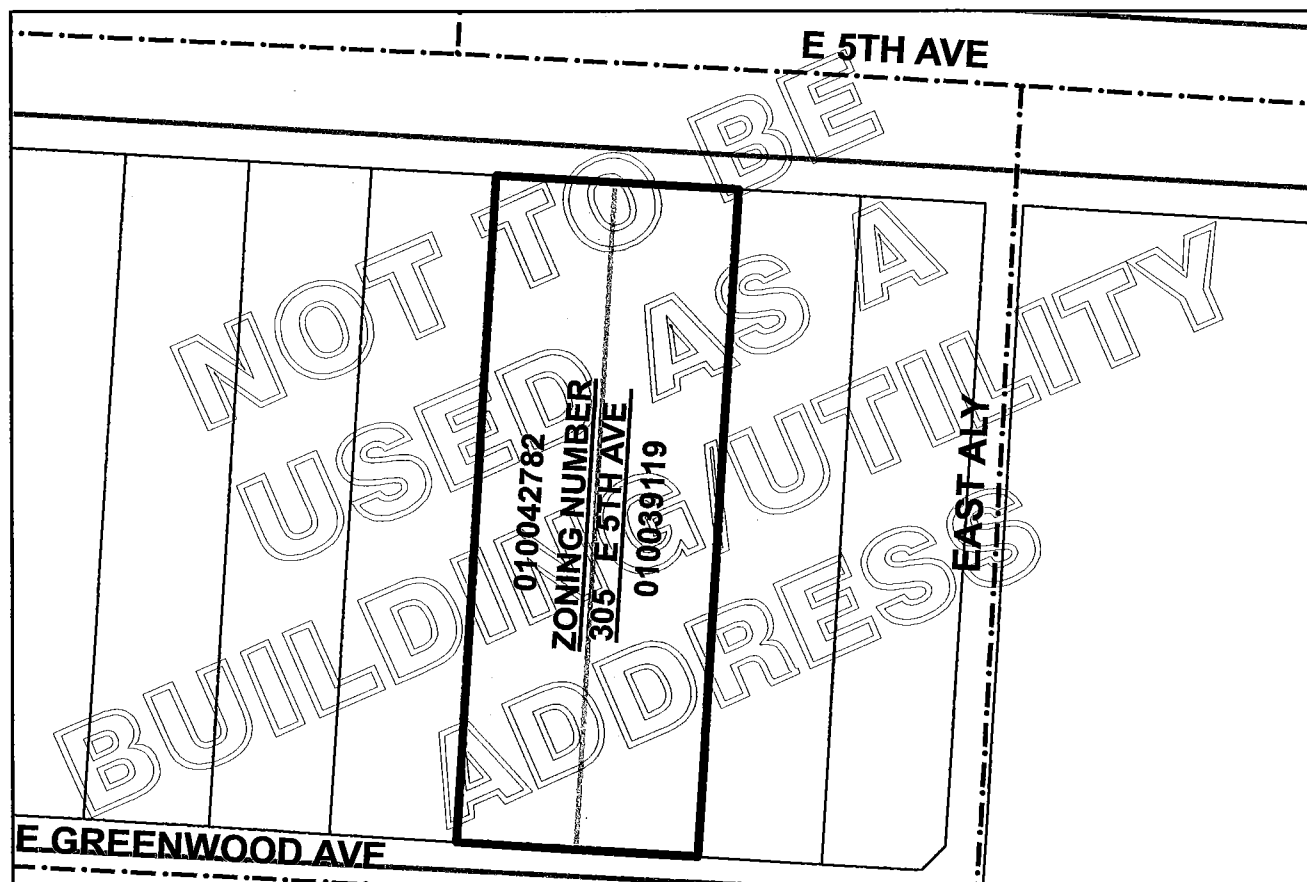
Lot Number : N/A

Subdivision: N/A

Requested By: CONNIE J. KLEMA (ATTORNEY)

Issued By: *Patricia A. Austin*

Date: 4/16/2014



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 19632

CV14-025

LEGAL DESCRIPTIONS

305 E. Fifth Avenue, Columbus, Ohio 43201:

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

Being Lot Number Ten (10) of W.J. McCOMB'S FIFTH AVENUE ADDITION, 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.

Parcel No. 010-042782

307 E. Fifth Avenue, Columbus, Ohio 43201:

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

Being Lot Number Eleven (11) of W.J.MCCOMB'S FIFTH AVENUE SUBDIVISION of Lots Nos. 25, 26 & 27 in William G. Deshler's Amended Addition to William Phelan's Mount Pleasant Addition to the City of Columbus, Ohio, 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.

Parcel No. 010-039119

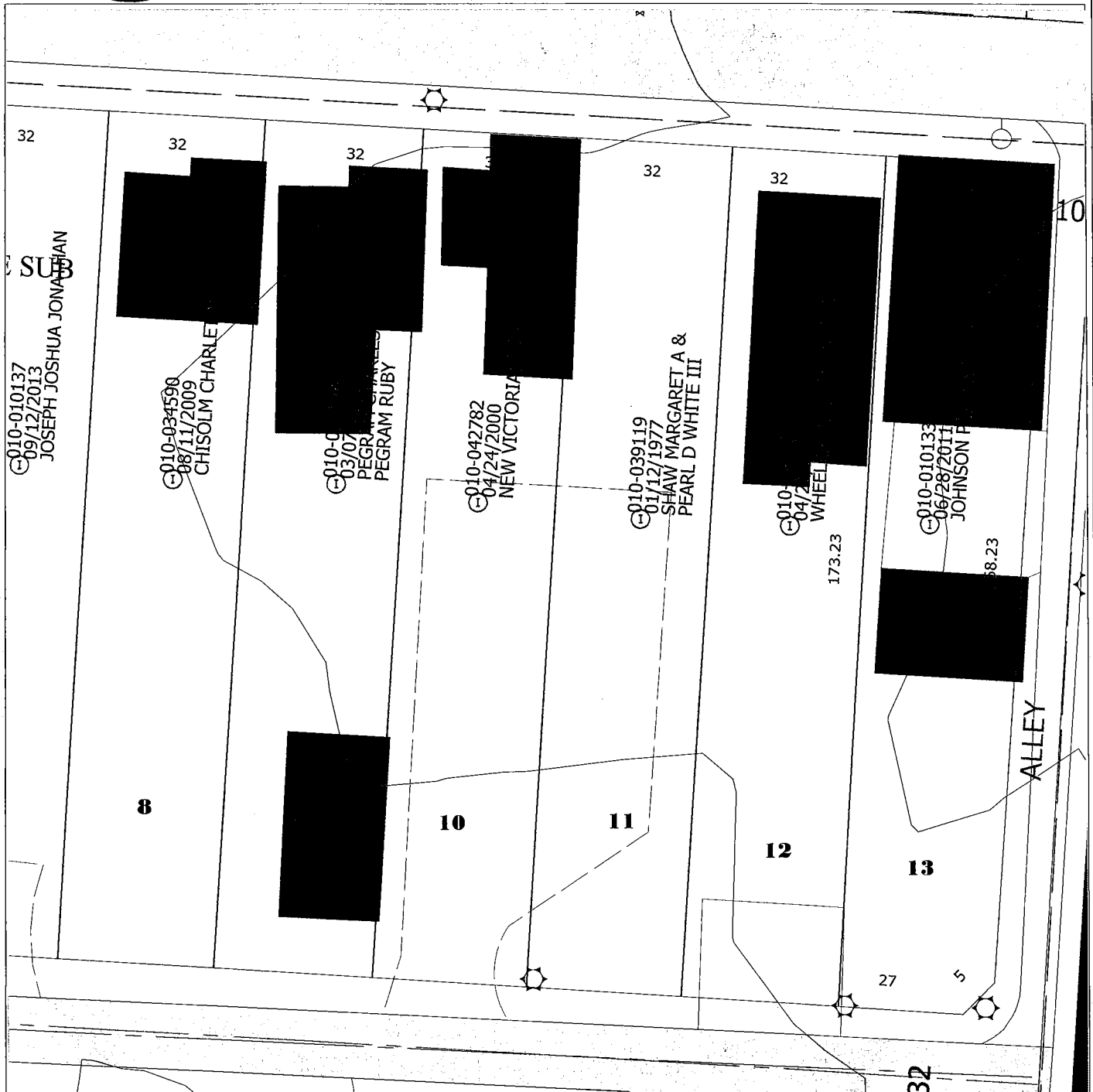
CV14-025



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: c

DATE: 4/29/14



Disclaimer

Scale = 30



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

CV14-026

JULIET BULLOCK ARCHITECTS
1182 WYANDOTTE RD
COLUMBUS OH 43212
614-985-0944

4/28/14
NEW RESIDENTIAL/COMMERCIAL
307 EAST FIFTH AVENUE
COLUMBUS OHIO



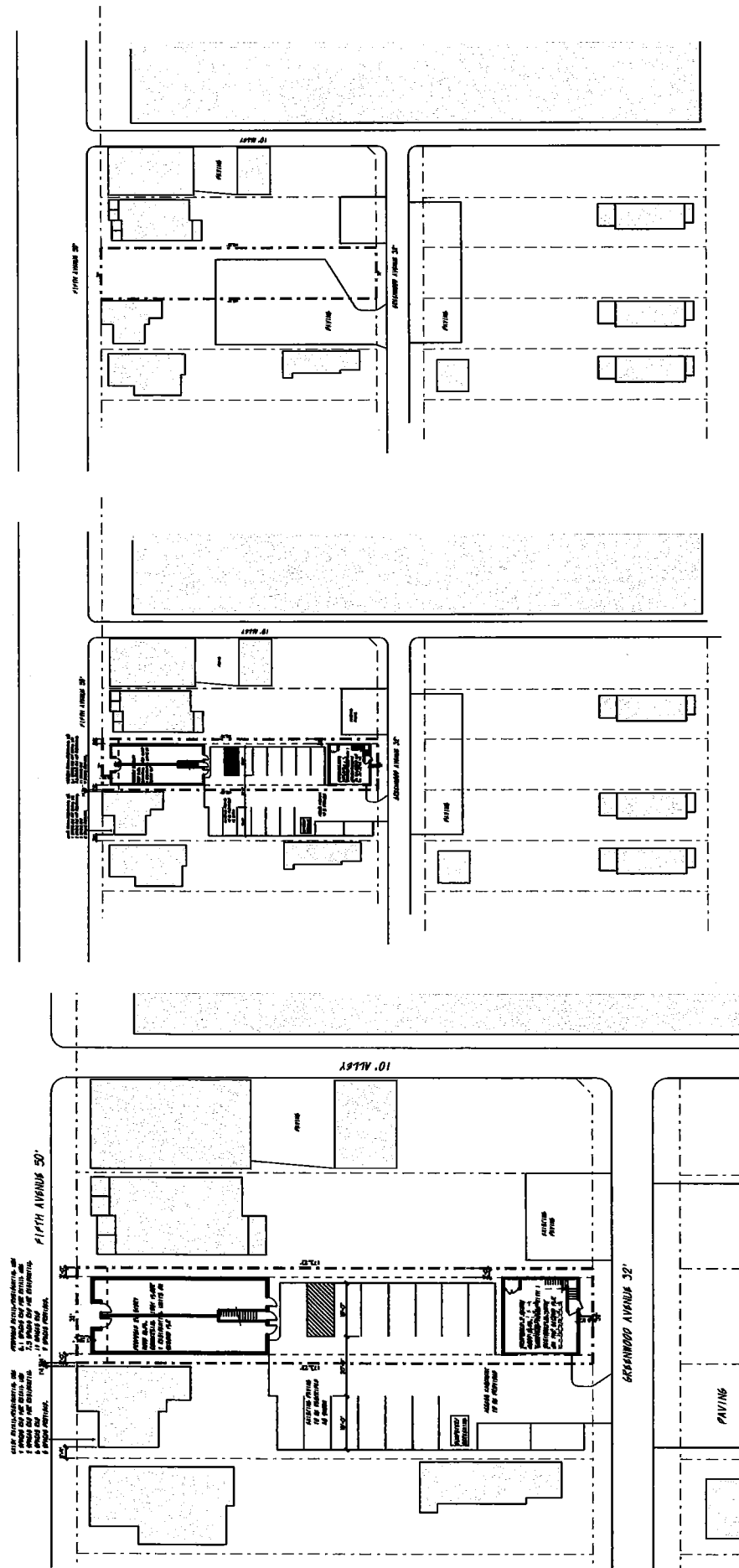
PROPOSED
SITE PLAN
SCALE 1" = 30'

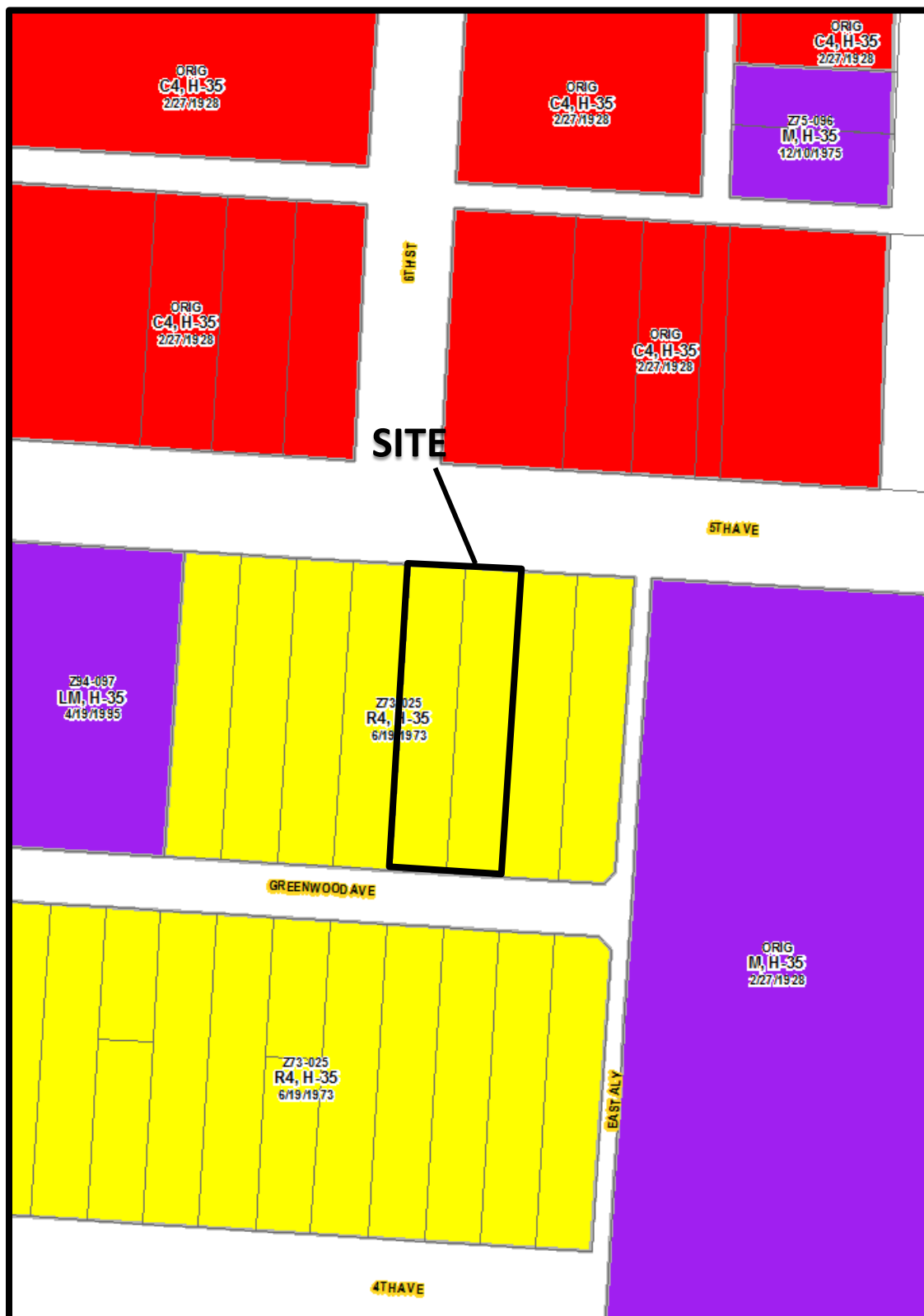


PROPOSED
SITE PLAN
SCALE 1" = 30'

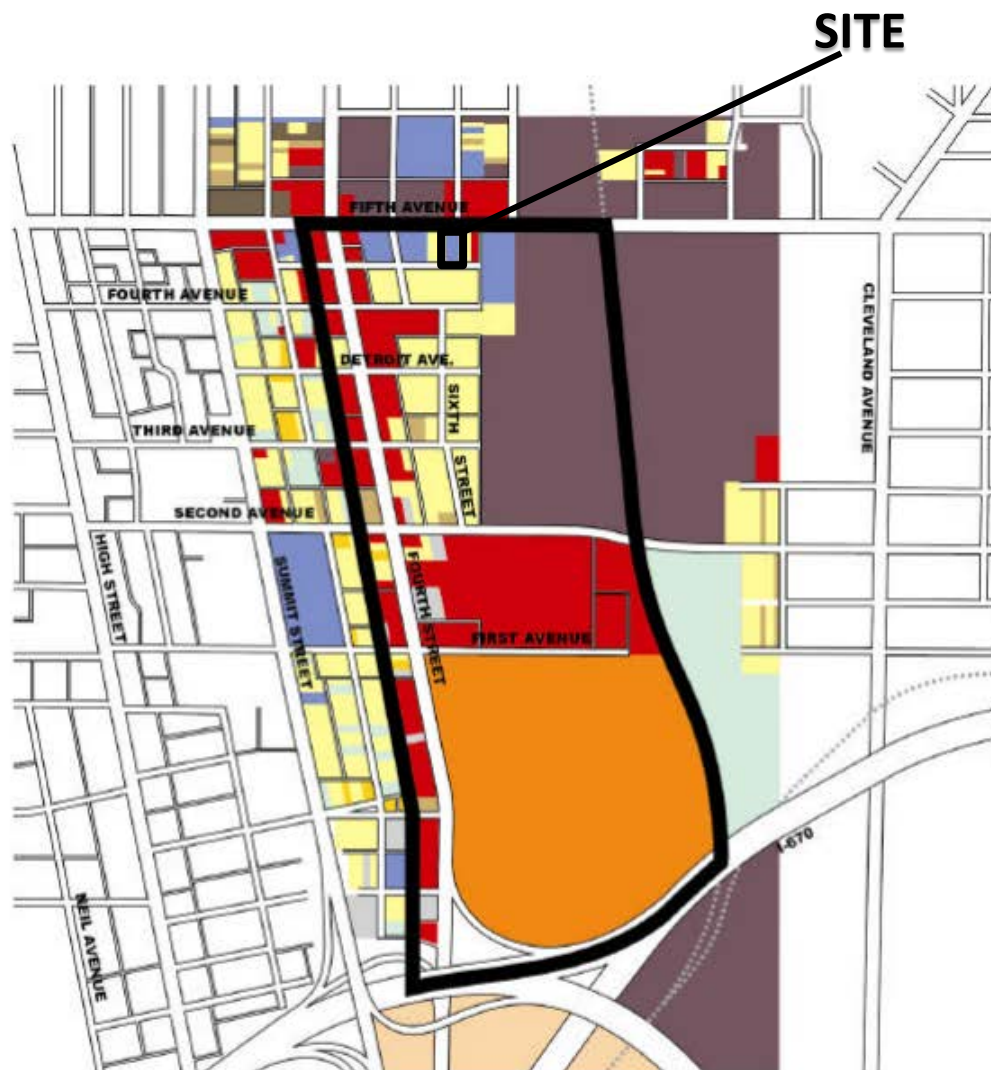


PROPOSED
SITE PLAN
SCALE 1" = 30'





CV14-025
305 E. 5th Avenue
Approximately 0.25 acres



Italian Village East

Proposed Land Use



January 2000



	Residential (1 - 2 units)
	Residential (3 - 4 units)
	Residential (> 4 units)
	Mixed Use
	Commercial
	Manufacturing
	Institutional
	Park/Open Space
	Vacant Lots/Buildings
	Parking
	Downtown District



City of Columbus
 Michael R. Coleman, Mayor
 Department of Trade and Development
 Mark Barbois, Director
 Planning Office
 Stephen R. McClary, Administrator
 Urban Design Section
 Larry D. Lewis, Graphic Designer



CV14-025
305 E. 5th Avenue
Approximately 0.25 acres