

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

OFFICE USE ONLY

Application Number: CV14-067 / 14315-00000-000242 Date Received: 2/6/14

Fee: \$1100 Application Accepted by: ET + TP

Comments: Assigned to Eliza Thrush, 645-1341, ecthrush@columbus.gov

**LOCATION AND ZONING REQUEST**

Certified Address (for Zoning Purposes) 178 Wilson / 1277 Oak Zip 43205

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: 010-002061; 010-038726; 010-265706  
☐ Check here if listing additional property owners on a separate page.

Current Zoning District(s): ARLD

Civic Association or Area Commission: Near East Area Commission

Proposed use or reason for Council Variance request: Change of Use

Acreage: 0.165

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**APPLICANT:** Name Joel R. Simmons (CEO) The Gordon James Company LLC

Address, City, State & Zip 1620 E. Broad St #801

Phone # 330 338 2900 Fax # \_\_\_\_\_ Email the.gordon.james.company@yahoo.com

-----  
**PROPERTY OWNER(S):** Name The Gordon James Company LLC

Address, City, State & Zip 1620 E. Broad St #801

Phone # 330 338 2900 Fax # \_\_\_\_\_ Email the.gordon.james.company@yahoo.com

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**ATTORNEY/AGENT** (CHECK ONE IF APPLICABLE) ☐ Attorney ☐ Agent

Name \_\_\_\_\_

Address, City, State & Zip \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email \_\_\_\_\_

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**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.

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**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**

## 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

12/19/14

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**Statement of Hardship & Variances Requested for:**  
**178 Wilson Ave, 1277 Oak Street (vacant) and adjacent vacated alley,**  
**Columbus, Ohio 43205**

The properties at 178 Wilson Ave, 1277 Oak Street and the adjacent vacated alley are currently zoned ARLD and the applicant requests approval to change the use to commercial/ mixed-use residential. The property at 1277 Oak Street is currently vacant and the adjacent property at 178 Wilson Ave contains an existing structure. The structure has a 2-story brick front that was added on to a 3-story residential wood structure that is over 100 years old. The front of the structure faces Wilson Ave and consists of a commercial storefront on the ground floor and office space on the second floor. The proposed uses will fill a vacant lot and renovate an existing building. These projects will serve the local neighborhood community and will not adversely affect the surrounding properties. The hardship is that this is an existing building used for commercial activities prior to the ARLD zoning was imposed in 1974.

**Variance 1, Section 3333.02, Allowable Uses:** A variance is requested to allow mixed use occupancies which include eating / drinking establishment, private office space and apartments as conforming uses in the ARLD zoning district.

**Variance 2, Section 3312.49, Parking Requirements:** The existing sites do not meet the parking requirements for commercial use. On-street parking is available throughout the streets surrounding the properties. A shared parking agreement with the church, one block to the north, could be arranged for off-street parking, if needed. In addition, the properties are in close proximity to public transportation with four different bus lines within a quarter-mile of the properties.

Current parking required for 178 Wilson Ave: 27 spaces

<u>Level</u>	<u>Area</u>	<u>Use</u>	<u>Required Parking</u>
First Floor	1,336 sf	Restaurant	18 (1:75 sf)
	600 sf	Outdoor Patio	4 (1:150 sf)
Second Floor	1,285 sf	Office	3 (1:450 sf)
Third Floor	776 sf	Office	2 (1:450 sf)

Estimated parking required for proposed building at 1277 Oak Street: 21 spaces

<u>Level</u>	<u>Area</u>	<u>Use</u>	<u>Required Parking</u>
First Floor	1,125 sf	Restaurant	15 (1:75 sf)
	600 sf	Outdoor Patio	2 (1:150 sf)
Second Floor	1,125 sf	Apartment	4 (1:250 sf)

A variance is request to reduce the required off-street parking spaces for 178 Wilson Ave to **2 spaces** and 1277 Oak Street to **2 spaces**.

**Variance 3, Section 3332.21, Front Yard Established:** The existing 178 Wilson Ave site does not meet the frontage minimum requirement (no less than 10') for the ARLD zoning district. A variance is requested to reduce the building setback requirements to the existing building footprint along the frontage of the property at 178 Wilson Ave and proposed building at 1277 Oak Street to a 0' setback.

**Variance 4, Section 3333.09, Area Requirements:** The existing properties do not meet the requirement for the minimum lot width of 50 feet. A variance is requested to eliminate the minimum area requirement and allow a lot width of less than 50 feet.

**Variance 5, Section 3333.22-3333.23, Side Yard:** The existing building at 178 Wilson Ave does not meet the requirements for minimum side yard setback which is a minimum of 20% of the total width of the property with a maximum of 16 feet. A variance is requested to reduce the side yard setbacks to the existing building footprint as shown at 178 Wilson Ave and proposed building at 1277 Oak Street.

**Variance 6, Section 3333.18-D & 3333.19-A(1), Building Lines & Corner Lots:** The existing vacant corner lot at 1277 Oak Street is proposed to have a mixed-use commercial / residential building. A variance is requested to reduce the proposed building's setbacks per commercial standards along the principal and secondary frontage lines of the property.

**Variance 7, Section 3321.05, Vision Clearance at Intersections:**  
The proposed building for the corner lot at 1277 Oak Street is proposed to have a storefront that is aligned with the neighboring building at 178 Wilson Ave. A variance is requested to eliminate the vision clearance triangle requirement at the intersection of Oak Street and Wilson Ave.

**Variance 8, Section 3333.11, ARLD Area District Requirements:**  
The proposed building for the corner lot at 1277 Oak Street will have upper level apartments that will not meet the minimum living area of not less than 1,500 square feet. The existing property will also not meet the requirement that they be on a single lot of more than 20,000 square feet. A variance is requested to eliminate the area requirements for all apartments that are less than 1,500 square feet, as well as eliminate the minimum 20,000 square foot lot size requirement.

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**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

**AFFIDAVIT**

(See next page for instructions)

APPLICATION # CV14-067

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Joel R. Simmons

of (1) MAILING ADDRESS 1620 E. Broad St #801 Columbus, OH 43203  
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 178 Wilson Ave (see Zoning Plat attached)  
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) 12/26/14  
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME (4) The Gordon James Company LLC

AND MAILING ADDRESS 1620 E. Broad St #801  
Columbus, OH 43203

APPLICANT'S NAME AND PHONE #  
(same as listed on front of application) Joel R. Simmons (CEO) The Gordon James Company LLC

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR OR  
CONTACT PERSON AND ADDRESS (5) Near East Area Commission  
Annie Ross-Womack, Zoning Chair  
874 Oakwood Ave  
Columbus, OH 43206

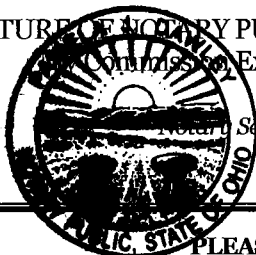
and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for 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

Subscribed to me in my presence and before this 19<sup>th</sup> day of December, in the year 2014

SIGNATURE OF NOTARY PUBLIC



Pamela J. Dawley  
NOTARY PUBLIC  
STATE OF OHIO

RECORDED IN  
FRANKLIN COUNTY  
My Commission Expires  
April 26, 2015

(8) [Signature]  
(8) Pamela J. Dawley

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Feleica Anderson  
1366 Linwood Ave  
Columbus, OH 43206

Wilbert Blevins  
600 S. Ohio Ave  
Columbus, OH 43205

Divine Refugee Church of Christ  
PO Box 9451  
Columbus, OH 43209

Jacquelyn Moore  
3646 Panama Dr.  
Westerville, OH 43081

John Moss  
1280 Elderwood Ave  
Columbus, OH 43227

Otis and Ruby Shepherd  
474 Oakwood Ave  
Columbus, OH 43205

Eileen Vinson  
186 Wilson Ave  
Columbus, OH 43205

Word Church of God In Christ  
115 Wilson Ave  
Columbus, OH 43205

Gregory Lisk  
9 Hill Rd. N.  
Pickerington, OH 43147

The Gordon James Co., LLC  
c/o Joel R. Simmons M.D., CEO  
1620 E. Broad St. #801  
Columbus, OH 43203

Annie Ross-Womack  
Near East AC Zoning Chair  
874 Oakwood Ave  
Columbus, OH 43206

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**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.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 # CV14-067

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Joel R. Simmons (CEO) The Gordon James Company LLC

Of [COMPLETE ADDRESS] 1620 E. Broad St. #801 Columbus OH 43203

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>The Gordon James Company LLC</u> <u>1620 E. Broad St #801</u> <u>Columbus, OH 43203</u> <u>8 Employees</u> <u>Joel R. Simmons CEO 330-338-7900</u>	2.
3.	4.

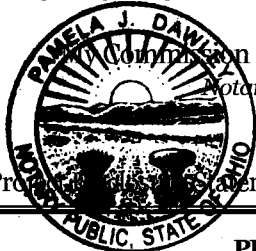
☐ Check here if listing additional parties on a separate page.

**SIGNATURE OF AFFIANT**

Subscribed to me in my presence and before this 19<sup>th</sup> day of December, in the year 2014

**SIGNATURE OF NOTARY PUBLIC**

Pamela J. Dawley



**PAMELA J. DAWLEY**  
**NOTARY PUBLIC**  
**STATE OF OHIO**

**RECORDED IN**  
**FRANKLIN COUNTY**

This Project Variance Statement expires \_\_\_\_\_ after date of notarization.

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**Property Description****Parcel 1:**

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

Being Lot Number Two (2) in MAGREW AND BLOSE'S SUBDIVISION of Lots 28,29,30 and 31 in Wilson and Sharp's Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 407, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-002061

Property Address: 178 Wilson Avenue, Columbus, OH

**Parcel 2:**

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

Being Lot Number One (1) in MAGREW AND BLOSE'S SUBDIVISION of Lots 28,29,30 and 31 in Horace Wilson and E.P. Sharp's Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 407, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-0038726

Property Address: 1277 Oak Street, Columbus, OH

**Parcel 3:**

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

Being part of a 12 foot wide alley located east of Wilson Avenue (60 feet wide) and south of Oak Street (50 feet wide), dedicated to the City of Columbus in Magrew and Blose's Subdivision, Plat Book 4, page 407, Recorder's Office, Franklin County, Ohio.

Beginning at an iron pin set at the northeast corner of Lot 1 of the said Magrew and Blose's Subdivision, being the intersection of the west line of the said 12 foot wide alley and the south line of the said Oak Street;

Thence due East, 6.00 feet along the south line extended of the said Oak Street, to a set iron pin, being a point in the centerline of the said 12 foot wide alley, and 31 in Wilson and Sharp's Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record Plat Book 4, page 407, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-002061

Property Address: 178 Wilson Avenue, Columbus, OH



**Parcel 2:**

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Parcel No.: 010-0038726

Property Address: 1277 Oak Street, Columbus, OH

**Parcel 3:**

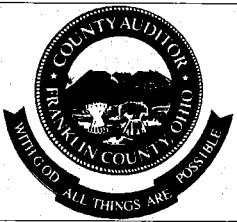
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Beginning at an iron pin set at the northeast corner of Lot 1 of the said Magrew and Blose's Subdivision, being the intersection of the west line of the said 12 foot wide alley and the south line of the said Oak Street;

Thence due East, 6.00 feet along the south line extended of the said Oak Street, to a set iron pin, being a point in the centerline of the said 12 foot wide alley

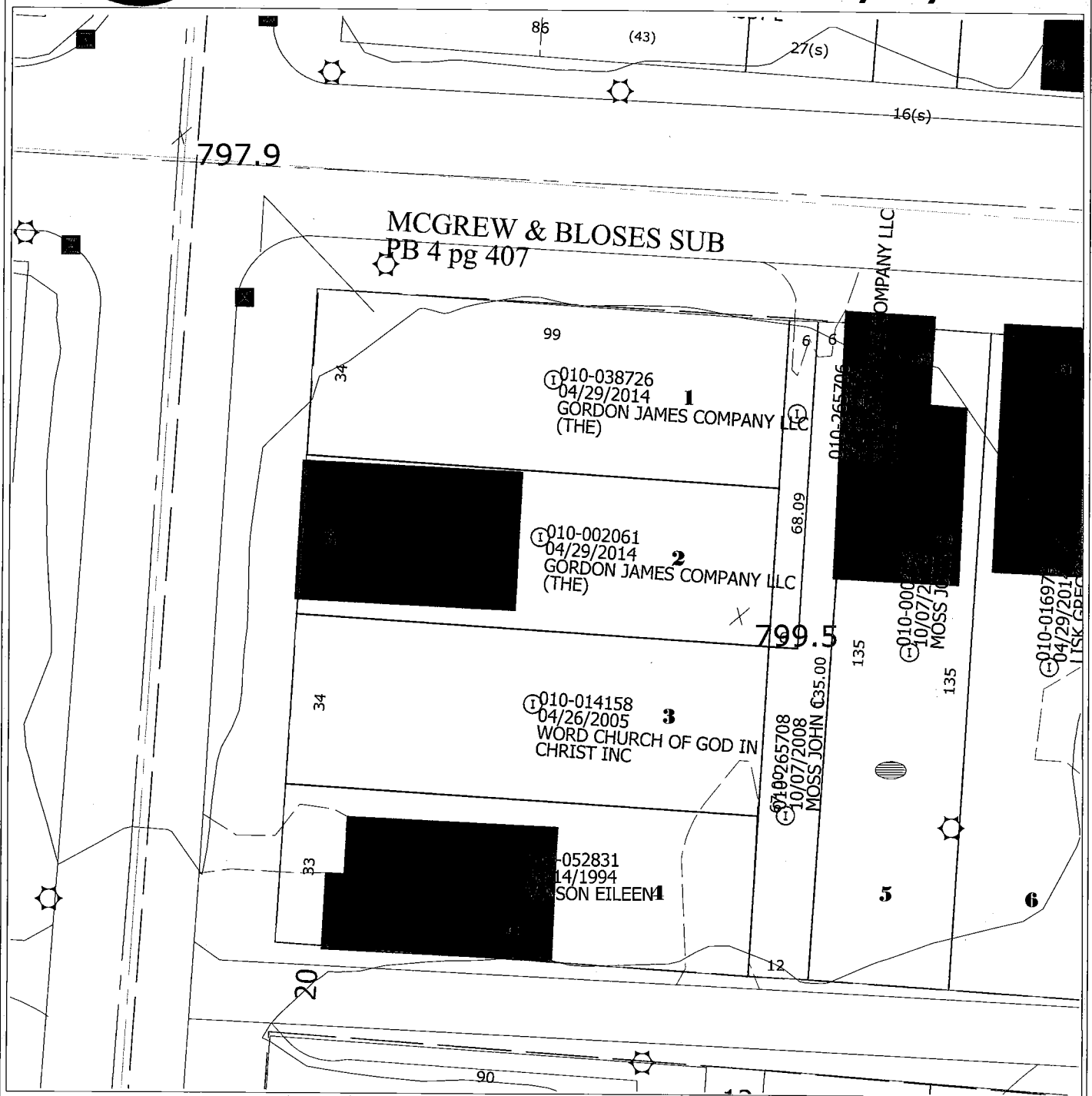
CV14-067



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C

DATE: 11/24/14



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



# City of Columbus Zoning Plat

CV14-067



## 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: 010002061, 010002061 & 010265706

Zoning Number: 178

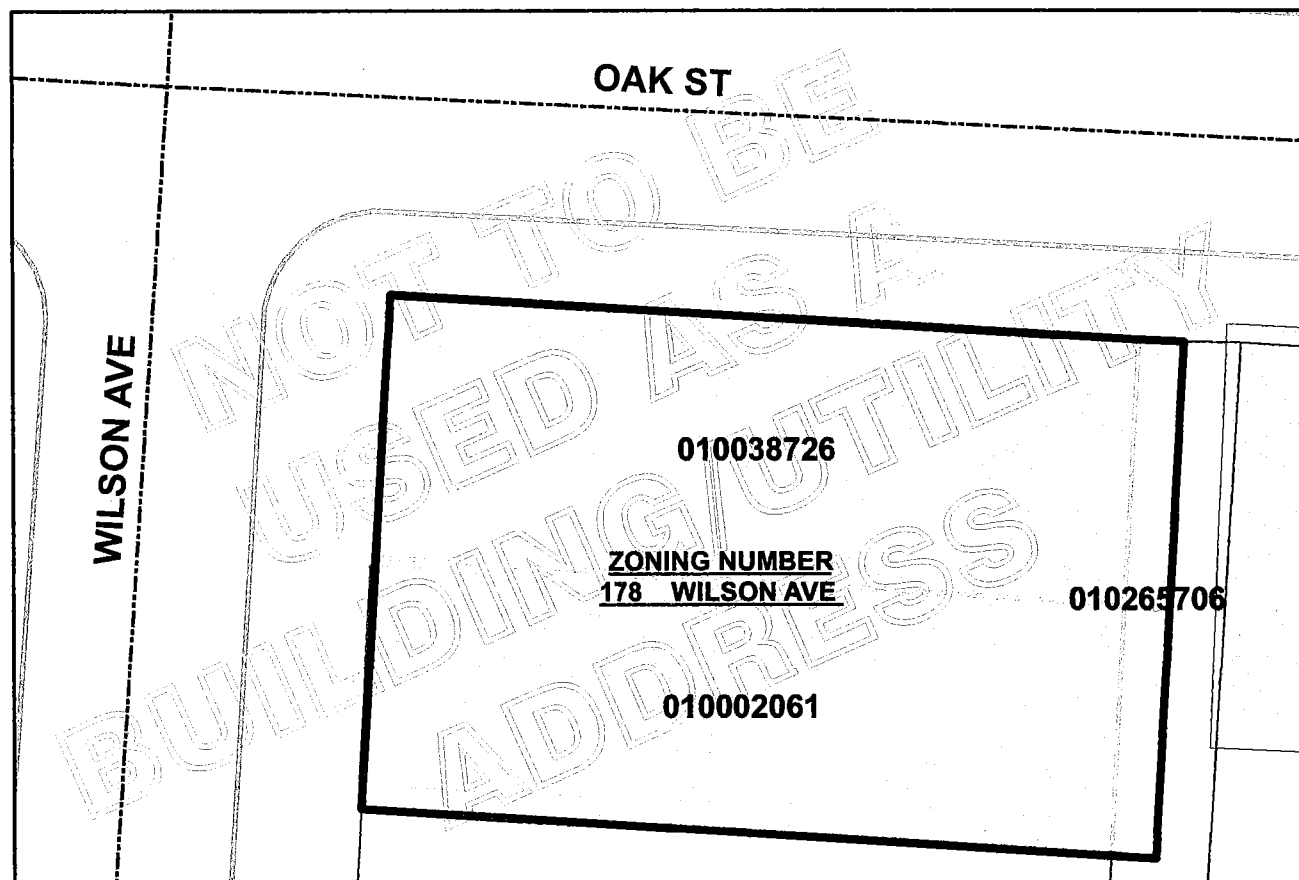
Street Name: WILSON AVE

Lot Number : N/A

Subdivision: N/A

Requested By: THE GORDON JAMES CO., LLC (JOEL R. SIMMONS)

Issued By: *Adyana Harrison* Date: 12/19/2014



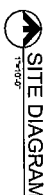
SCALE: 1 inch = 25 feet

JAMES D. YOUNG, P.E., ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO

GIS FILE NUMBER: 25062

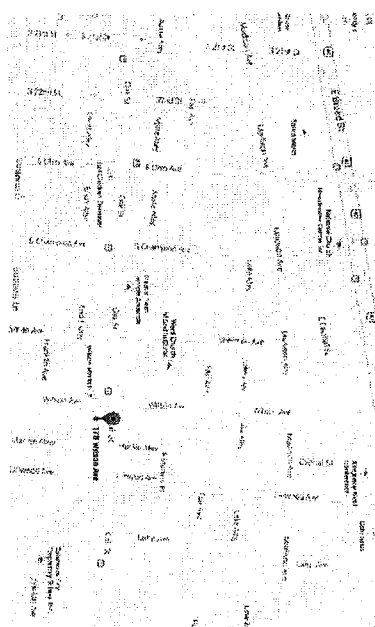


CV14-067



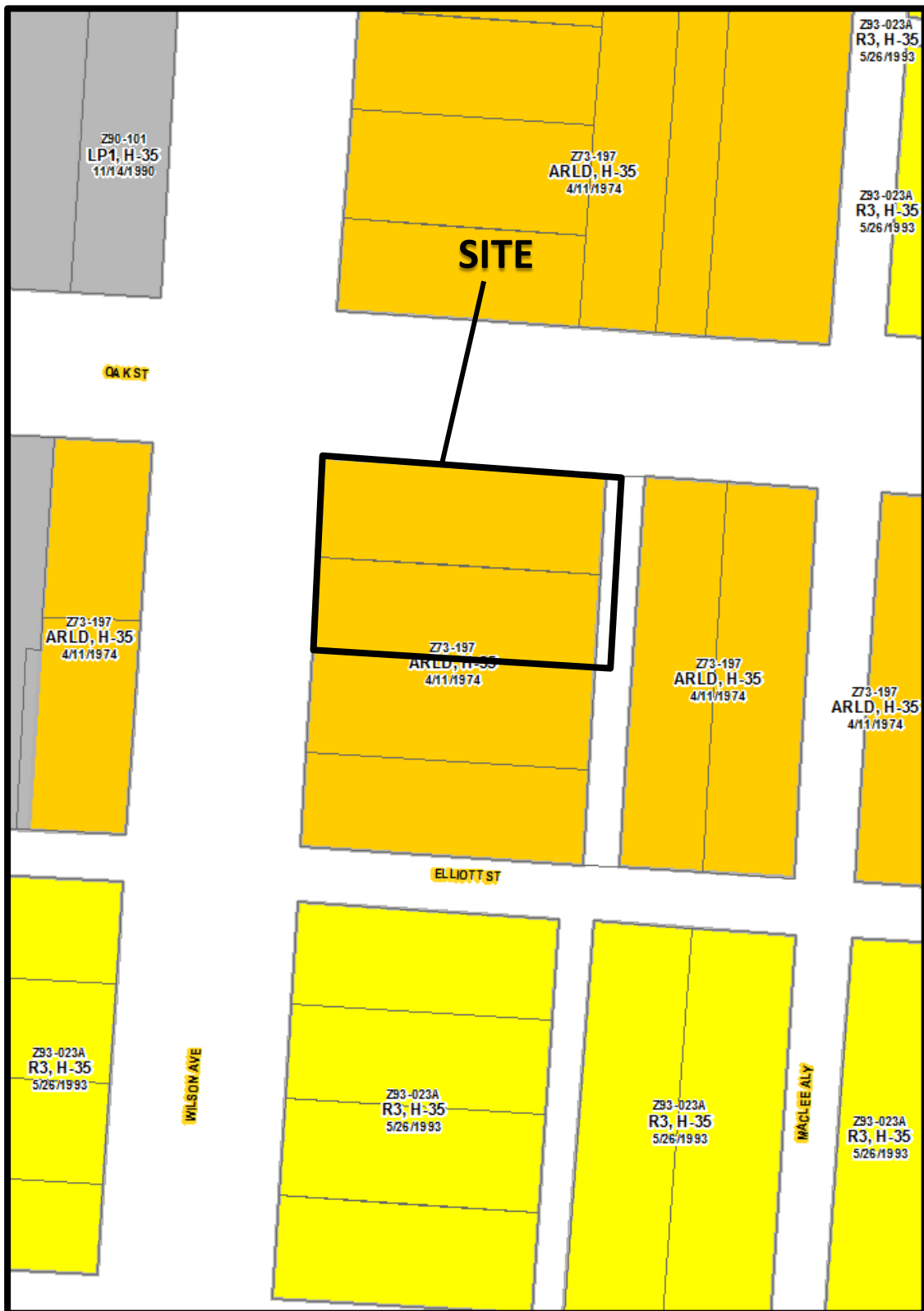
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Level	Area	Use	Required Parking
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	800 sf	Outdoor Patio	4 (1.180 sf)
Second Floor	1,262 sf	Office	2 (1.480 sf)
	770 sf	Office	2 (1.745 sf)
Estimated parking required for proposed building at 1277 Oak Street 21 spaces			
Level	Area	Use	Required Parking
First Floor	1,600 sf	Restaurant	18 (17.5 sf)
	800 sf	Outdoor Patio	2 (1.150 sf)
Second Floor	1,125 sf	Apartment	4 (1.250 sf)

**SITE LOCATION MAP**  
NTS



**SITE LOCATION MAP**  
NTS

and should not look where they blow if the weather turns on the main water column.



CV14-067  
178 Wilson Avenue and 1277 Oak Street  
Approximately 0.165 acres



CV14-067  
178 Wilson Avenue and 1277 Oak Street  
Approximately 0.165 acres