



# BOARD OF ZONING ADJUSTMENT APPLICATION

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

OFFICE USE ONLY

Application Number: 14310-0-00906  
Date Received: 12/17/14  
Commission/Civic: German Village  
Existing Zoning: R-2F Application Accepted by: D. Reiss Fee: \$ 640<sup>00</sup>  
Comments: 2/24/15

### TYPE(S) OF ACTION REQUESTED

(Check all that apply)

Variance       Special Permit

Indicate what the proposal is and list applicable code sections.

See Statement of Hardship

### LOCATION

1. Certified Address Number and Street Name 616 S. Third Street  
City Columbus State OH Zip 43206  
Parcel Number (only one required) 010-026382

### APPLICANT: (IF DIFFERENT FROM OWNER)

Name 616 South Third Street, LLC c/o Donald Plank  
Address Plank Law Firm, 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215  
Phone # (614) 947-8600 Fax # (614) 228-1790 Email dplank@planklaw.com

### PROPERTY OWNER(S):

Name 616 South Third Street, LLC c/o Donald Plank  
Address Plank Law Firm, 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215  
Phone # (614) 947-8600 Fax # (614) 228-1790 Email dplank@planklaw.com  
 Check here if listing additional property owners on a separate page.

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

Name Donald Plank  
Address Plank Law Firm, 145 E. Rich Street, FL 3 City/State Columbus, OH Zip 43215  
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

### SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE Donald Plank esq  
PROPERTY OWNER SIGNATURE Donald Plank esq  
**ATTORNEY AGENT SIGNATURE** Donald Plank

**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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## AFFIDAVIT

**14310-00906**  
**616 S. 3rd St.**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank  
of (1) MAILING ADDRESS Plank Law Firm, 145 E. Rich Street, FL 3, Columbus, 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 ADDRESS CARD FOR PROPERTY 616 S. Third Street, Columbus, OH 43206  
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) \_\_\_\_\_

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME (4) 616 South Third Street, LLC  
AND MAILING ADDRESS c/o Donald Plank, Plank Law Firm  
145 E. Rich Street, FL 3, Columbus, OH 43215

APPLICANT'S NAME AND PHONE # (5) 616 South Third Street, LLC  
(same as listed on front of application) c/o Donald Plank, Plank Law Firm (614) 947-8600

AREA COMMISSION OR CIVIC GROUP (5) German Village Commission  
AREA COMMISSION ZONING CHAIR OR c/o Cristin Moody, Assistant, Historic Preservation Office  
CONTACT PERSON AND ADDRESS 50 West Gay Street, 4th Floor, Columbus, OH 43215

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS

See Exhibit B

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

SIGNATURE OF AFFIANT

(8) Donald Plank

Subscribed to me in my presence and before me this 4th day of DECEMBER, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter  
AUGUST 3, 2015

My Commission Expires:

Notary Seal Here



BARBARA A. PAINTER  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2015

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**EXHIBIT A, Public Notice**

**616 S Third Street**

**BZA14- \_\_\_\_\_**

**December 4, 2014**

**Page 1 of 2**

**APPLICANT:**

616 South Third Street, LLC  
c/o Donald Plank, Attorney  
Plank Law Firm  
145 E Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER:**

616 South Third Street, LLC  
c/o Donald Plank, Attorney  
Plank Law Firm  
145 E Rich Street, FL 3  
Columbus, OH 43215

**ATTORNEY FOR APPLICANT:**

Donald Plank  
Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**COMMUNITY GROUP:**

German Village Commission  
c/o Cristin Moody  
Historic Preservation Office  
50 West Gay Street, 4<sup>th</sup> Floor  
Columbus, OH 43215

**PROPERTY OWNERS WITHIN 125 FEET:**

Med-Pro Properties Co Ltd  
Kohr Royer Griffith Inc.  
1480 Dublin Rd.  
Columbus, OH 43215

Great Valley-Ohio LLC  
1178 Shady Hill Dr.  
Columbus, OH 43221

Steven E. Davies  
Allison L. Schneider  
610 S. 3<sup>rd</sup> St.  
Columbus, OH 43206

Alan W. Paul & Renee H. Paul  
615 S. Lazelle St.  
Columbus, OH 43206

Kontomerkos Athanasios A. et. al  
788 Tatra Court  
Reynoldsburg, OH 43068

Historical Homes IV LLC  
13000 Bevelheimer Rd.  
Westerville, OH 43081

Jacqueline Jacob  
615 S. Third St.  
Columbus, OH 43206

Marian A. Southard, TR  
c/o William A. Morse  
800 High St., Ste. 200  
Worthington, OH 43085

Mithoff Investments LLC  
Daniel Newman  
176 Roger Williams Ave.  
Highland Park, IL 60035

Judith L. Kitchen  
619 S. 3<sup>rd</sup> St.  
Columbus, OH 43206

David A. Muller  
604 S. Third St.  
Columbus, OH 43206

Kevin R. Lohr  
624 S. Third St.  
Columbus, OH 43206

Hashem T. Shkoukani  
7817 Silver Rose Ct.  
Dublin, OH 43016

Marilyn A. Schmidt, TR  
Richard M. Schmidt, TR  
10819 State Route 56 E.  
Circleville, OH 43113

**14310-00906**  
**616 S. 3rd St.**

AC Mulholland Ltd  
601 S. 3<sup>rd</sup> St.  
Columbus, OH 43206

City of Columbus  
Real Estate Management  
90 W. Broad St., Rm 425  
Columbus, OH 43215

Susan J. Picker  
3888 Stonewater Dr.  
Columbus, OH 43221

David L. Hughes  
611 S. Lazelle St.  
Columbus, OH 43206

Matthew L. Ciancio  
Stephanie A. Toll  
115 E. Willow St.  
Columbus, OH 43206

Greg Wnek  
9602 Otterbein Rd.  
Cincinnati, OH 45241

**ALSO NOTIFY:**

David B. Perry  
David Perry Co., Inc.  
145 East Rich Street, 3<sup>rd</sup> Floor  
Columbus, OH 43215

Tom Willoughby  
297 South Cassady Avenue  
Columbus, OH 43209

**14310-00906**  
**616 S. 3rd St.**



**EXHIBIT B**  
**Statement of Hardship**

**616 S Third Street, Columbus, OH 43206**

**BZA14310-00000-00906**

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The site is located on the east side of S Third Street, 92' +/- south of East Willow Street. The 3,080 +/- SF parcel (PID: 010-026382) is zoned R-2F, Residential from the 1972 area rezoning of much of German Village. The site is developed with a two-family dwelling. Applicant purchased the property in 2004 as a two-family dwelling. Franklin County Auditor land use records list the property as a two-family dwelling. City of Columbus permit records list the building as a single family dwelling.

Under the provisions of Section 3332.16, Exception for Single or Two-family Dwelling, a two-family dwelling in the R-2F district on a lot of record as of January 14, 1959 is exempt from Sections 3332.05, Area District Lot Width Requirements, and Section 3332.14, R-2F, Area District Requirements, thereby waiving applicability of lot width and lot area requirements for a two-family dwelling in the R-2F district meeting the lot of record date (January 14, 1959). The subject parcel was of record from at least 1920 and, therefore, meets the record date for exemption from lot width and area standards of current R-2F district regulations. The exemption is not the same as being non-conforming since the parcel is exempt from the standards. There are many two-family dwellings in German Village that are also exempt from lot width and area standards as lots of record under Section 3332.16.

Section 3332.16 doesn't exempt compliance with off-street parking. The use of record as a single family dwelling is non-conforming to off-street parking regulations since it pre-dates off-street parking as a standard. The change of use from a single family dwelling to a two-family dwelling, when it occurred, would have required applicable off-street parking for the second dwelling unit. Applicant requests a variance to reduce off-street parking from 4 spaces to 0 spaces now to conform the two (2) dwelling units to current parking requirements. The site has no off-street parking nor can any parking spaces be provided. Many properties in German Village either have no off-street parking or do not comply with current code required parking.

Variations are also requested for compliance with maximum and minimum side yards and front building line (zero building setback) to reflect existing conditions. Non-compliance of existing buildings with current code yard requirements is common in German Village since the buildings pre-date yard requirements.

The following variances are requested:

1. 3312.49, Minimum Numbers of Parking Spaces Required, to reduce code required parking from 4 spaces to 0 spaces for a two-family dwelling (existing condition).
2. 3332.21, Building Lines, to reduce the calculated building setback of adjacent buildings (610 S Third Street, 5 feet; and 618 S Third Street, 10 feet) from 7.5 feet to zero (0) feet to permit the existing 616 S Third Street building setback of zero (0) feet (existing condition).
3. 3332.25, Maximum Side Yards Required, to reduce the required sum of the side yards (20% of 33 feet) from 6.6 feet to two (2) feet (6% of 33 feet, existing condition).
4. 3332.26, Minimum Side Yard Permitted, to reduce the minimum side yard from three (3) feet to zero (0) (north wall, existing condition) and from three (3) feet to two (2) feet (south wall, existing condition).

12-04-2014

# Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley); Ohio  
 614-235-8677 FAX: 614-235-4559

A Mortgage Location Survey prepared for and certified to:  
**Columbus Title Agency, Inc.**

**Legal Description:** Situated in Ohio, County of Franklin, City of Columbus, Being Part of Inlot 2 C. Rader's Heirs  
 Subdivision-Deed Book 33, Page 540

**Applicant:** Willoughby

**Posted Address:** 616 S. Third Street, Columbus, Ohio

**F.E.M.A. Flood Zone Designation:** Flood Zone "X" as per F.I.R.M. 390170 0255H

**Apparent Encroachments:** 1) Fences not in conformance with legal description. 2) House Over Property Line. 3) Eaves and Gutters Over Property Line.

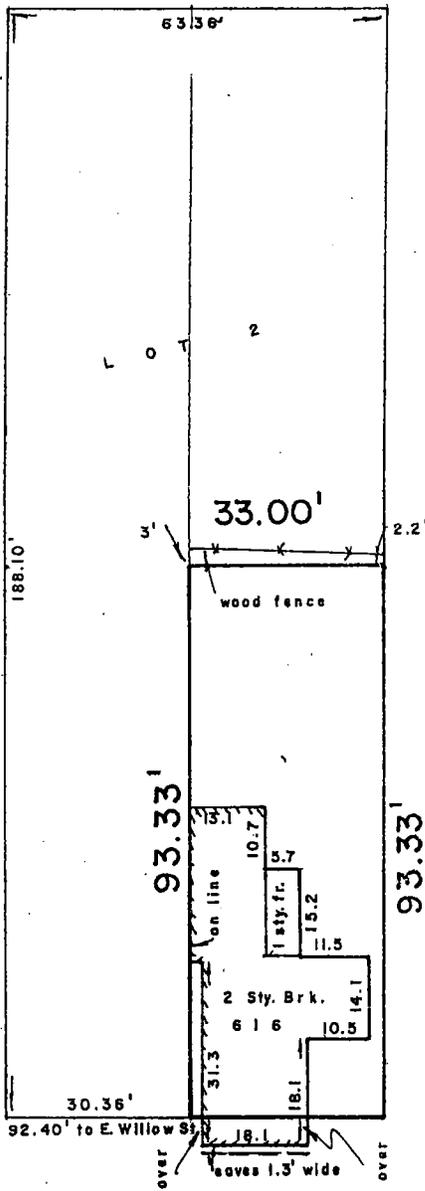
30' 15' 0' 30'



Scale: 1" = 30'

Date: 6-3-2004

S. LAZELLE ST. 30'



**SURVEY RECEIPT**  
 I/we hereby certify that I/we have examined the survey for the property that I/we have purchased, and I/we hereby acknowledge. Receipt of a copy of such survey

**14310-00906**  
 616 S. 3rd St.





# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 11/24/14



Disclaimer

Scale = 60



This map is prepared for the real property inventory within this county. survey plats, and other public records and data. Users of this map are not information sources should be consulted for verification of the information. Franklin County and the mapping companies assume no legal responsibilities for this map. Please notify the Franklin County GIS Division of any discrepancies.

14310-00906  
616 S. 3rd St.



© 2014 Google  
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Google earth

feet  
meters

10

Google earth

14310-00906  
616 S. 3rd St.



# 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: 010026382

Zoning Number: 616

Street Name: S 3RD ST

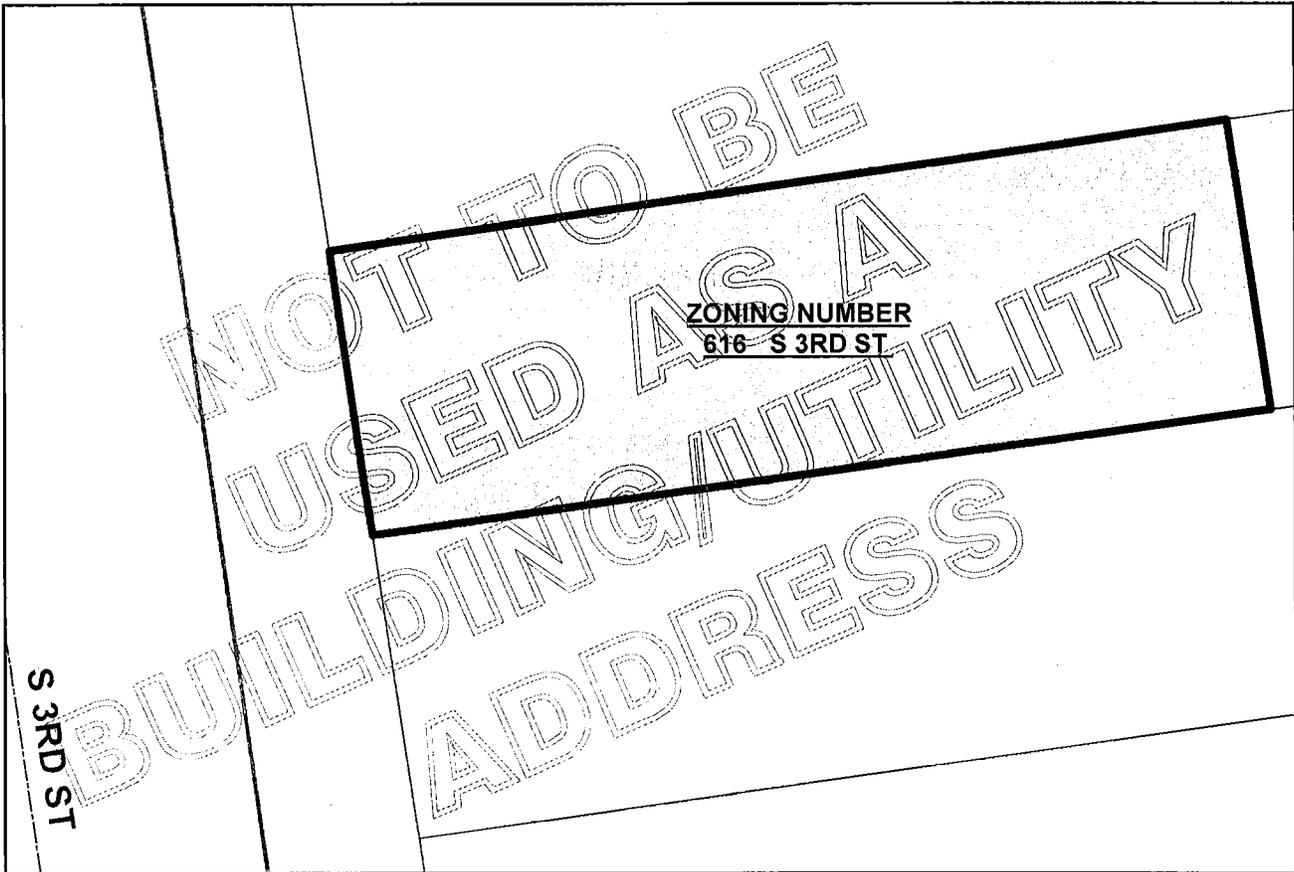
Lot Number : N/A

Subdivision: N/A

Requested By: DAVE PERRY CO., INC (DAVE PERRY)

Issued By: *Adyana Amarian*

Date: 11/13/2014



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

SCALE: 1 inch = 20 feet

GIS FILE NUMBER: 24426





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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

**14310-00906**  
**616 S. 3rd St.**

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank  
of (COMPLETE ADDRESS) Plank Law Firm, 145 E. Rich Street, FL 3, 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 and their mailing addresses:

| NAME                               | COMPLETE MAILING ADDRESS        |
|------------------------------------|---------------------------------|
| <u>616 South Third Street, LLC</u> |                                 |
| <u>c/o Tom Willoughby</u>          | <u>297 South Cassady Avenue</u> |
|                                    | <u>Columbus, OH 43209</u>       |
|                                    |                                 |
|                                    |                                 |
|                                    |                                 |
|                                    |                                 |

SIGNATURE OF AFFIANT Donald Plank

Subscribed to me in my presence and before me this 4th day of DECEMBER, in the year 2014

SIGNATURE OF NOTARY PUBLIC Barbara A. Painter

My Commission Expires: AUGUST 3, 2015

Notary Seal Here



**BARBARA A. PAINTER**  
Notary Public, State of Ohio  
My Commission Expires AUGUST 3, 2015

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