

Council Variance Application

757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.columbus.gov

OFFICE USE ONLY

Application Number: CV15-008 Date Received: 2/18/15
Application Accepted by: ET Fee: \$320
Comments: assigned to Eliza Thrush 645-1341 ecthrush@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 87 West Frankfort Street, 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: 010-021253

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

Current Zoning District(s): M

Area Commission or Civic Association: Brewery District

Proposed Use or reason for Council Variance request:

Property has been developed with residence and is typical of the area where many of the buildings are single family residences but zoned M. Mortgage company is requiring that the property be zoned appropriately

Acreage: 0.05 ac

APPLICANT:

Name: George F. Herbst Phone Number: Atty: 614 947-8600 Ext.: _____

Address: 1412 Preston Court City/State: Bossier City, LA Zip: 71111

Email Address: Atty: akuhn@planklaw.com Fax Number: _____

PROPERTY OWNER(S) ☐ Check here if listing additional property owners on a separate page

Name: George F. Herbst Phone Number: Atty: 614 947-8600 Ext.: _____

Address: 1412 Preston Court City/State: Bossier City, LA Zip: 71111

Email Address: Atty: akuhn@planklaw.com Fax Number: _____

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

Name: Amy K. Kuhn, of counsel, Plank Law Firm Phone Number: 614 947 8600 Ext.: _____

Address: 145 E Rich Street, 3rd flr City/State: Columbus OH Zip: 43215

Email Address: akuhn@planklaw.com Fax Number: _____

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

APPLICANT SIGNATURE: Amy K. Kuhn for Applicant

PROPERTY OWNER SIGNATURE: Amy K. Kuhn for Owner

ATTORNEY / AGENT SIGNATURE: Amy K. Kuhn 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 checks payable to the Columbus City Treasurer

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CV15-008

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:

Please see attached

Signature of Applicant _____ Date _____

The property is a single family home that is over 150 years old. It is located in an area that is predominately residential but many of the parcels are zoned manufacturing. This is a hold-over from early years when residences and manufacturing or commercial properties were located together in neighborhoods. In recent years, mortgage lenders will not approve properties for loans if they are not zoned residential or have been granted use variances.

The property is under contract for sale but the lender will not fund the loan until a use variance is granted. In addition, the property does not conform to the current setback and yard standards. The site is in the "Southern Tier," as identified in the Brewery District Plan. The "Southern Tier" strategies include preserving the residential character of the area and preserving and establishing the area as a residential/mixed use district. This variance request is consistent with the goals of the Brewery District Plan (Southern Tier).

The following variances are requested:

Section 3363.01, M, Manufacturing districts. Variance to permit a single family dwelling in a manufacturing district. This section of the code permits residential use for security or special housing (disabled, etc.) and does not permit residential use for an individual single family home.

Section 3363.24, Building lines in an M, Manufacturing district. Variance to allow existing street side yard and front yard facing the street to remain. The property is a corner parcel and has 0 set back on both Frankfort and Bank Streets. The Frankfort Street setback is permitted by 3363.25, Buildings Lines on Corner Lots - Exceptions. The Bank Street setback is presently required to be 25'.

Section 3312.49, Minimum number of parking spaces required. Variance to reduce code required parking from two spaces to one space.

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AFFIDAVIT (See instruction sheet)

Application Number: CV15-008

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Amy K. Kuhn

of (1) MAILING ADDRESS 145 East Rich Street, 3rd flr, Columbus, Ohio 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 87 West Frankfort Street, Columbus, Ohio

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 2/18/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) George F. Herbst

1412 Bossier Ct., Bossier City, LA 71111

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

George F. Herbst; atty phone 614 947 8600

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

(5) Brewery District commission

James A Goodman, Asst. Historic Preservation Officer

50 W Gay Street, Columbus, OH

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.

(8) SIGNATURE OF AFFIANT

Amy K. Kuhn

Sworn to before me and signed in my presence this 17th day of February, in the year 2015

(8) 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

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

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.
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Please make checks payable to the Columbus City Treasurer

LABEL SET**ADDRESS: 87 W. Frankfort****SUBMITTAL: 2/18/15****APPLICANT:**

George Herbst
87 W. Frankfort St.
Columbus, OH 43206

PROPERTY OWNERS:

George Herbst
87 W. Frankfort St.
Columbus, OH 43206

ATTORNEY FOR APPLICANT:

Amy K. Kuhn, Esq.
Plank Law Firm
145 E. Rich Street, FL 3
Columbus, OH 43215-5240

COMMUNITY GROUP/COALITION:

Brewery Commission
James A. Goodman
50 W. Gay Street
Columbus, OH 43212

**SURROUNDING PROPERTY
OWNERS (125 FEET):**

Hilliard M. & Jan Abroms
753 S. Front St.
Columbus, OH 43206

David S. Bates & Katherine G. Bates
758 Bank St.
Columbus, OH 43206

Brewers Yard Apartments Ltd.
Capital Square Ltd.
34 S. 3rd St.
Columbus, OH 43215

Malinda Swartz Closson
Robert Swartz
76 E. Kossuth St.
Columbus, OH 43206

DriftIndustry LLC
10620 Twp. Rd. 500
Thornville, OH 43076

George H. Faerber
Bethany A. Faerber
2411 Sierra Lane
Punta Gorda, FL 33950

Crystal M. Fauber
144 S. Brinker St.
Columbus, OH 43204

Larry Harley
723 S. Front St.
Columbus, OH 43206

Benjamin F. Jacoby
88 W. Frankfort St.
Columbus, OH 43206

John Dominic Loechler, et al.
144 S. Brinker St.
Columbus, OH 43204

Jay E. Michael
Sharon L. Michael
729 S. Front St.
Columbus, OH 43206

Frances M. Weiner
743 S. Front St.
Columbus, OH 43206

SHEET 1 of 1**ADDRESS: 87 W. Frankfort****SUBMITTAL: 2/18/15**

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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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 # CMS-008

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Amy K. Kuhn, of counsel, Plank Law Firm LPA
of (COMPLETE ADDRESS) 145 E Rich Street, 3rd flr., 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. George F. Herbst - sole owner 1412 Preston Court Bossier, LA 71111 No employees -- residential Atty: Amy Kuhn 614 947 8600	2.
3.	4.

☐ Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 17th day of February, in the year 2015

Barbara A. Painter

SIGNATURE OF NOTARY PUBLIC

AUGUST 3, 2015
My Commission Expires



Notary Seal Here

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

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

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City of Columbus Zoning Plat



CU15-008

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: 010021253

Zoning Number: 87

Street Name: W FRANKFORT ST

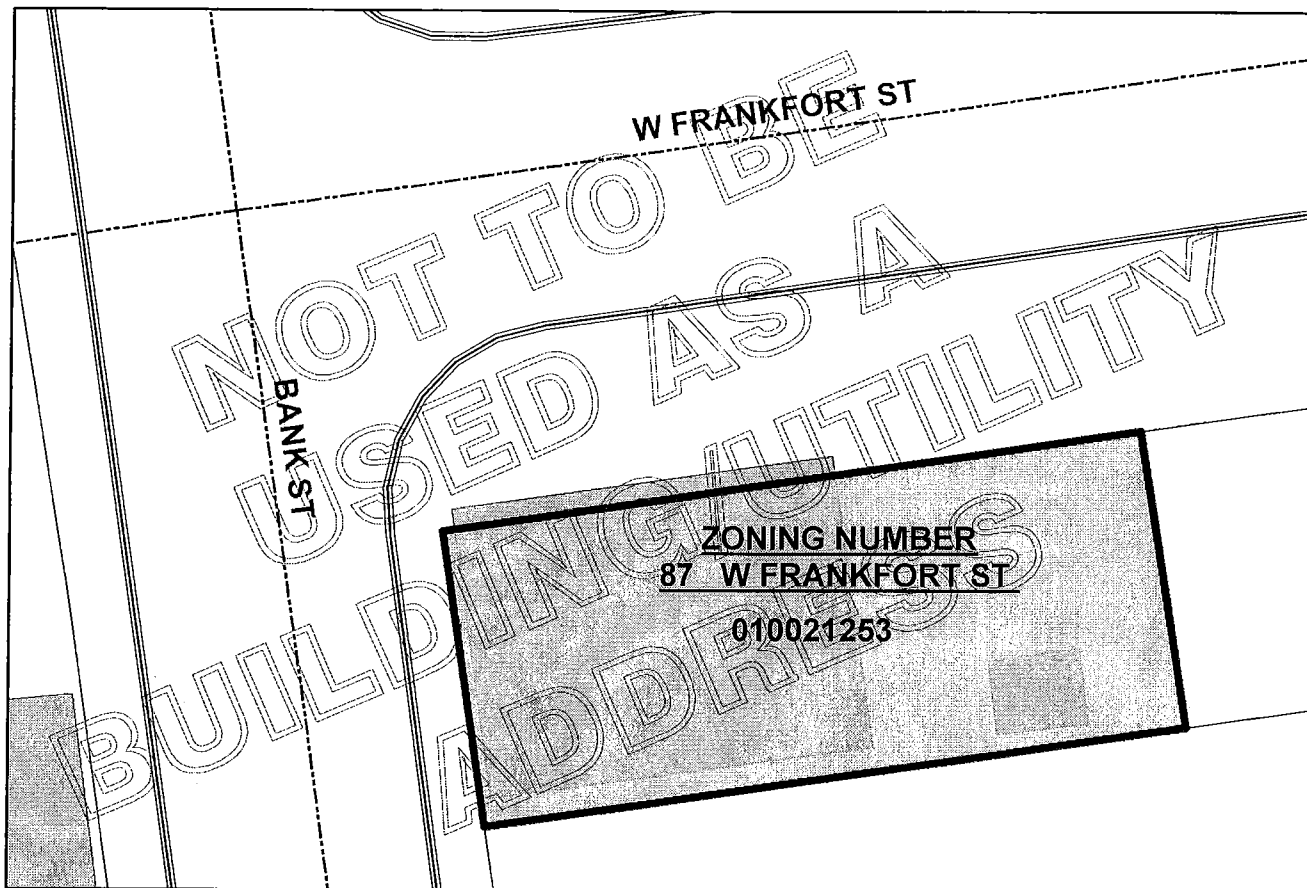
Lot Number :PT LOT 167

Subdivision: JAEGER

Requested By: PLANK LAW FIRM (AMY K KUHN)

Issued By: Amy K. Kuhn

Date: 1/28/2015



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

SCALE: 1 inch = 20 feet

GIS FILE NUMBER: 26340



LEGAL DESCRIPTION

87 West Frankfort St.

Columbus, OH

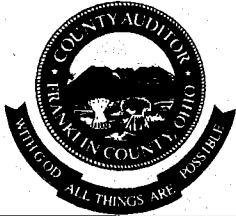
PID: 010-021253

CMS-008

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

Being Seventy-three (73) feet off of the west end of Lot Number One Hundred Sixty-seven (167) of C. F. JAEGER'S 22nd ADDITION to the City of Columbus, Ohio, as numbered and delineated upon the recorded plat thereof, of record in Plat Book 2 page 335, Recorder's Office, Franklin County, Ohio.

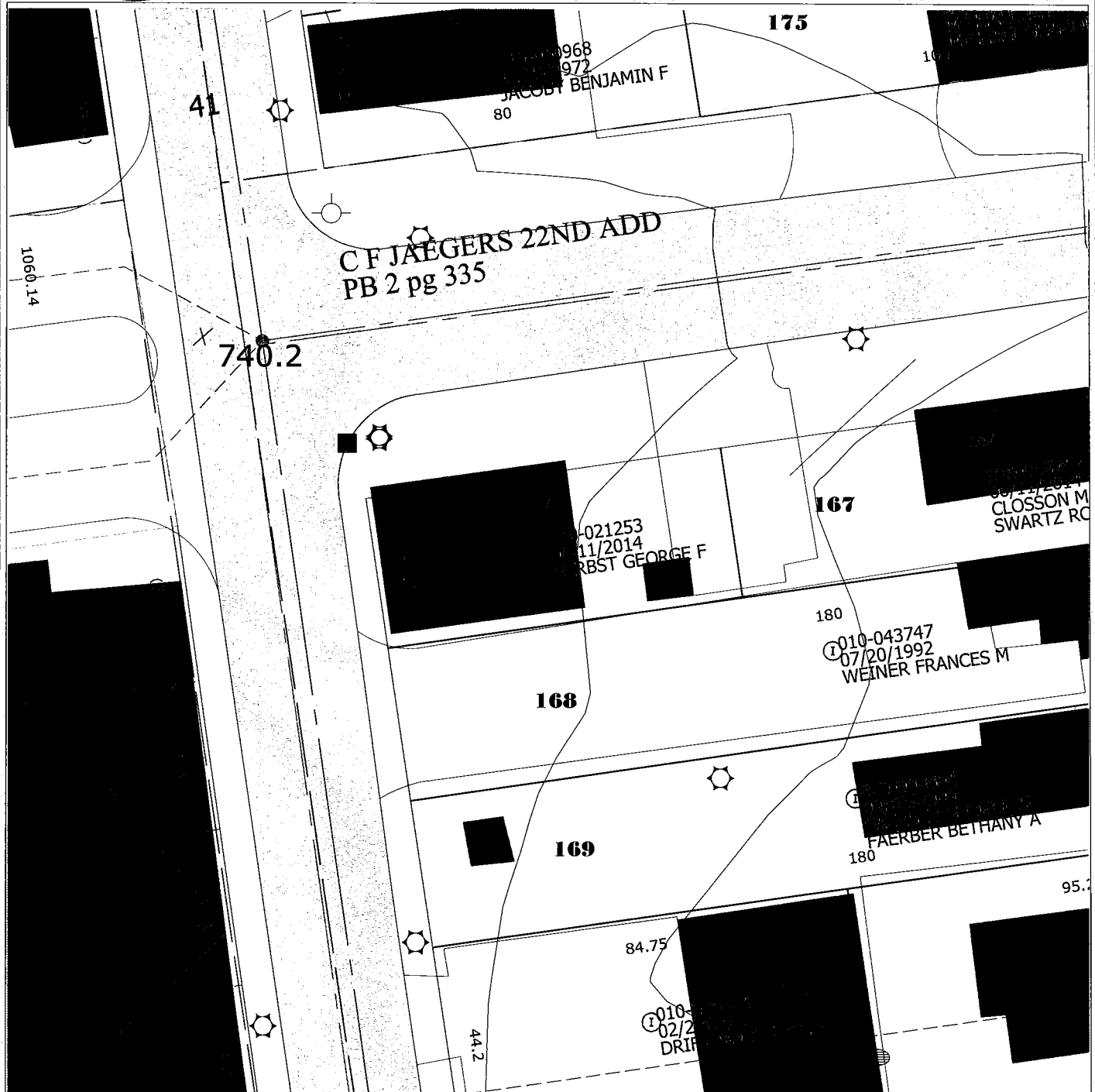
CU 5-008



CLARENCE E MINGO II

FRANKLIN COUNTY AUDITOR

MAP ID: C DATE: 2/13/15



Disclaimer

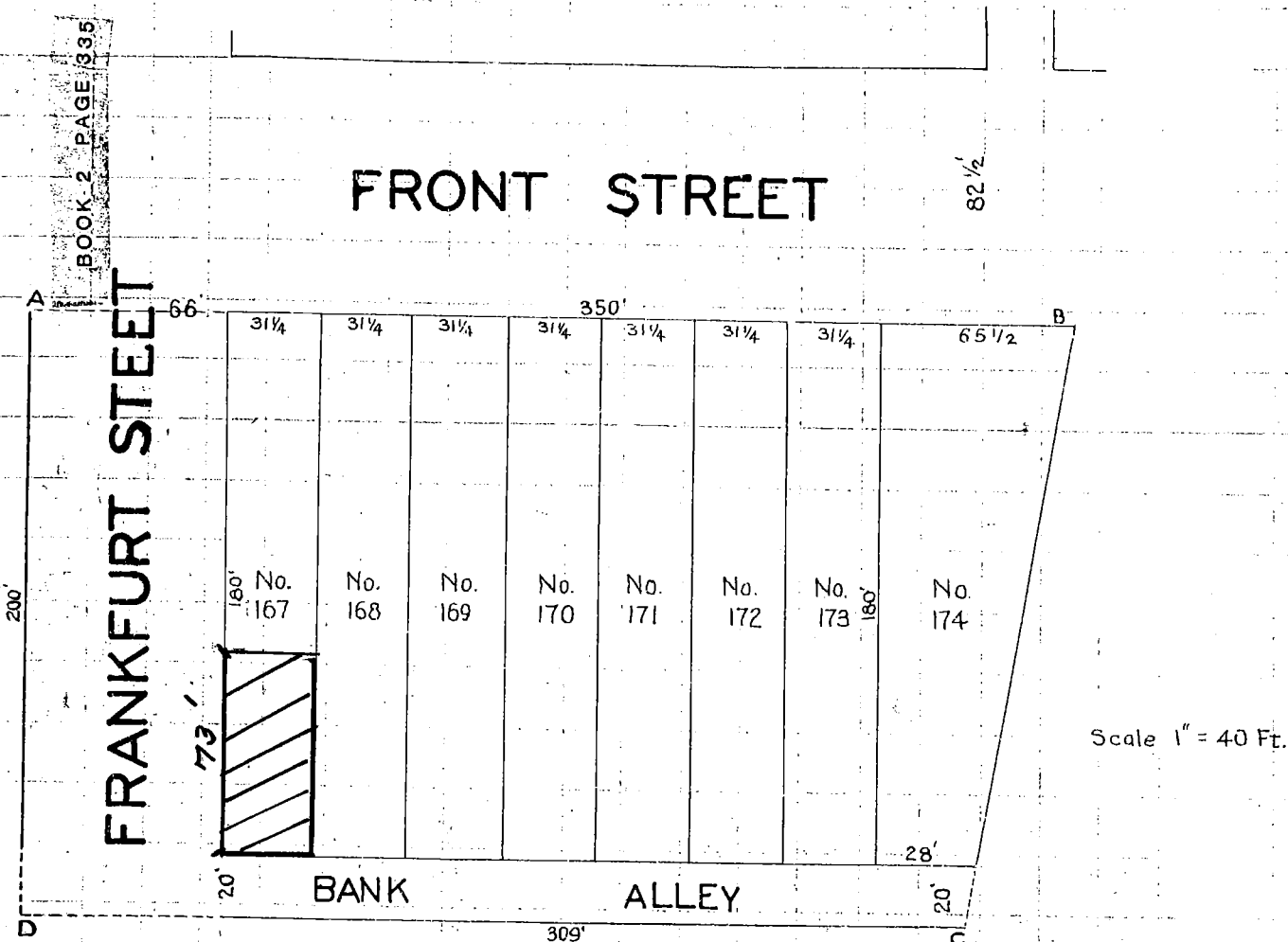
Scale = 30



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

C.F. JAEGER'S 22 ADDITION TO THE INLOTS OF COLUMBUS, O.



A.B.C.D is a plat of 1 1/2 acres of land in the City of Columbus, O. subdivided into City lots as marked, by the undersigned.

Columbus, O. Aug. 5, 1874

Witness H. William Jaeger

C.F. Jaeger

J. J. Hoffmann

The State of Ohio, Franklin County

Before me J.J. Hoffmann a Notary Public in and for said County personally appeared the above named C.F. Jaeger and acknowledged the signing and sealing and execution of the annexed plat of his twentysecond Addition to the City of Columbus, Ohio to be his voluntary act and deed as witness my hand and Notarial Seal this fifth day of August A.D. 1874.

J.J. Hoffman Notary Public Seal

Transferred Aug. 5 1874.

S.E. Kile, Auditor

Recorder's Office, Franklin County, Ohio.

This Plat was filed for record August 5 1874 and Recorded in Plat Book 2 page 335

Nathan Cole, Recorder

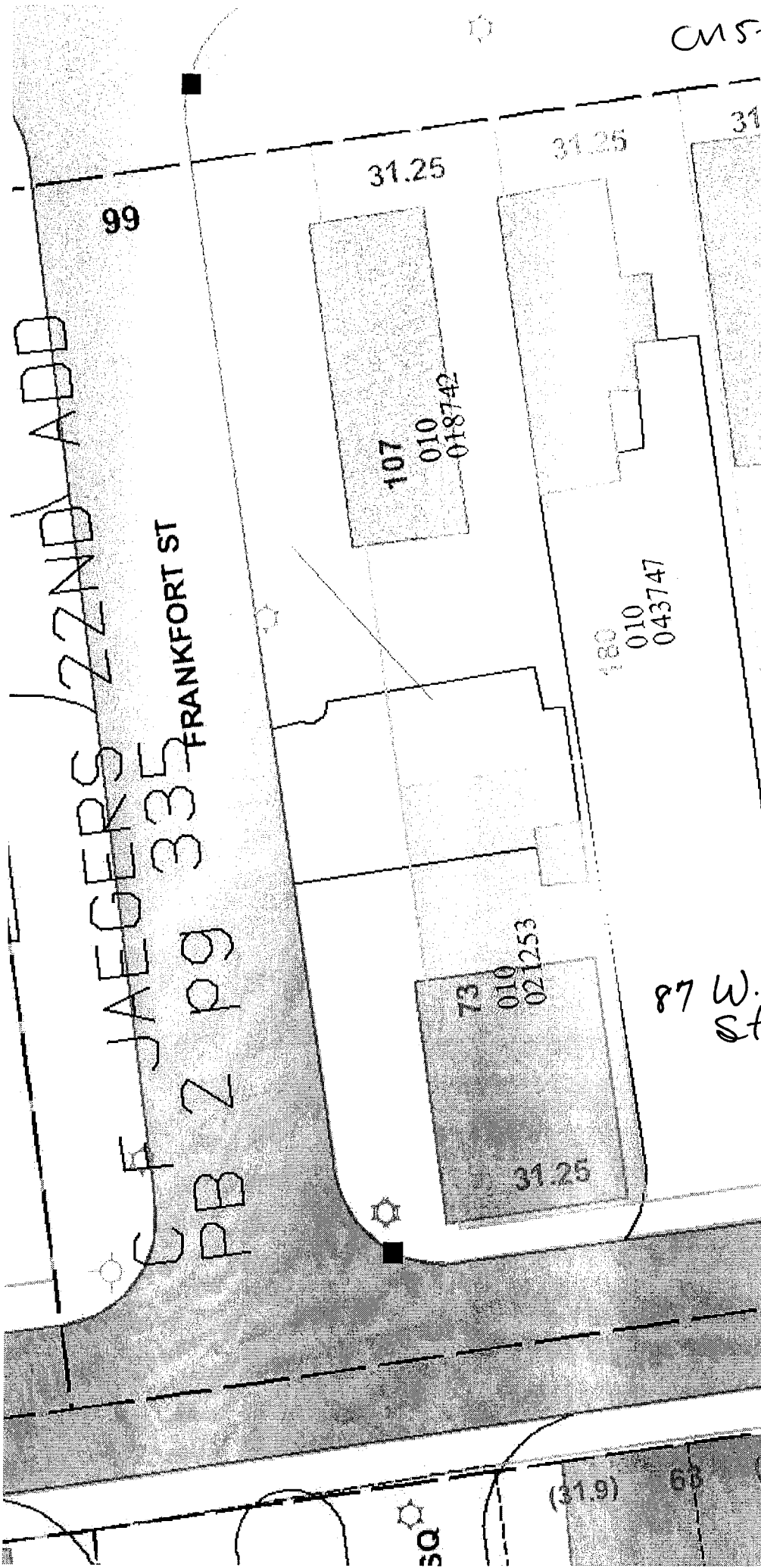
Destroyed by fire Jan. 31, 1879 Re-recorded April 22 1880.

F.M. Senter, Recorder.

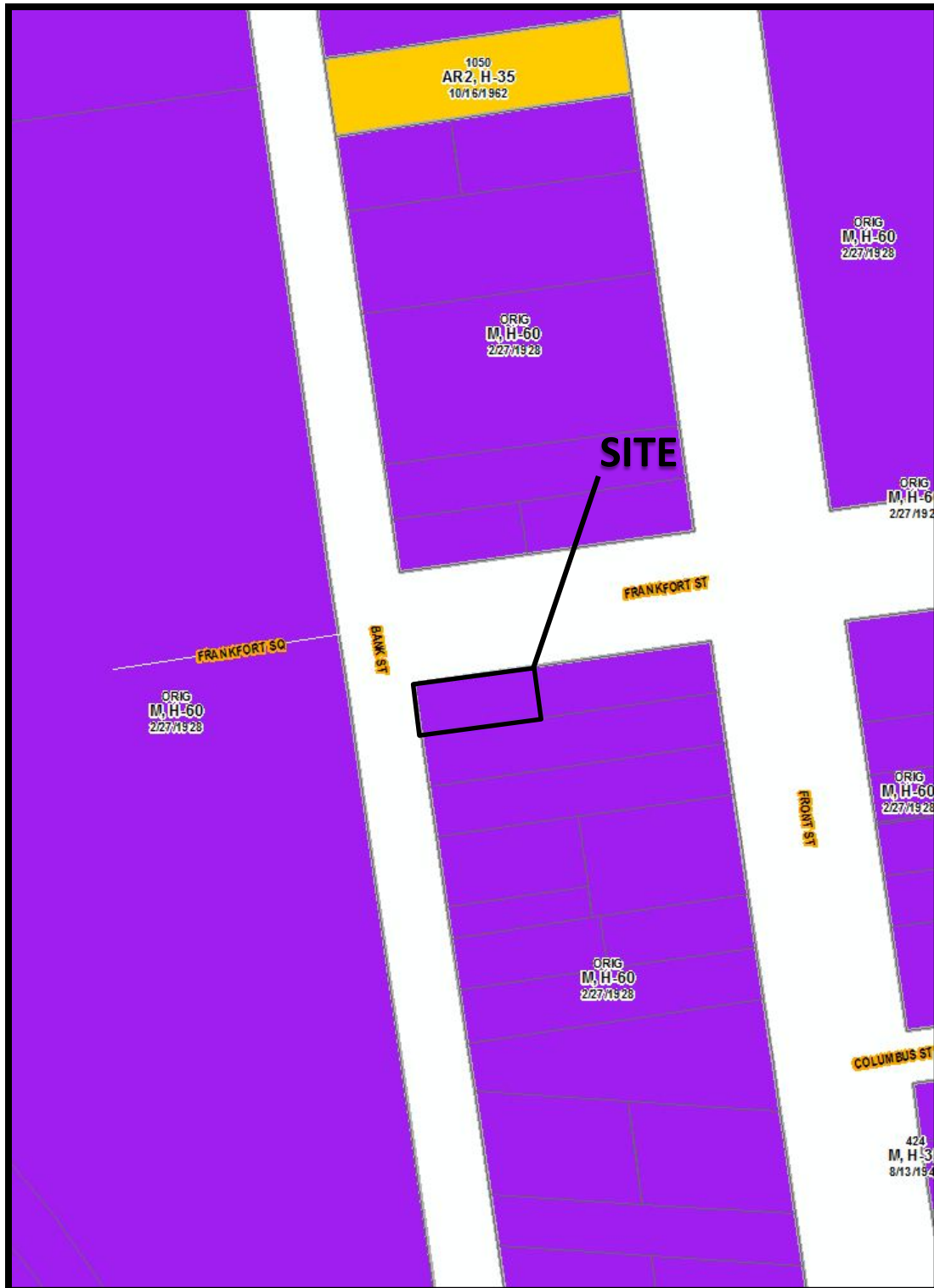
Within Plat compared with original, I certify same to be correct.

J.D. Broucher

Plat for 87 W. Frankfurt St.
(1" = 60" as printed)



87 W. Frankfort
Street



CV15-008

Southern Tier Strategies

Goals

- *Preserve and enhance the area as a residential / low intensity commercial, mixed-use district.*
- *Preserve the residential character of the area.*

Land Use Strategies

Issues:

The erosion of the residential character of the southern tier which can be attributed to a number of factors:

- Demolition of the original structures.
- Subsequent replacement with structures and uses that are generally of higher intensity and auto-oriented in nature.
- The conversion of original homes to higher intensity commercial uses that are incompatible with the surrounding environment, creating traffic and parking problems.
- Current zoning, predominately manufacturing, which does not permit single family or multi-family dwelling units. The commercial zoning along High Street permits residential uses in floors above street level commercial uses only.

Policy I:

Promote compatible redevelopment and rehabilitation,

Strategies:

1. Develop and administer performance standards to provide compatible redevelopment and rehabilitation. These standards should address, at minimum: height, lot coverage, floor-area ratio, setback, parking, landscaping, pedestrian orientation, materials and building size, scale and massing. The standards should:
 - Be tailored to meet the needs of the specific sub-area.
 - Address both rehabilitation and new construction, providing standards that will maintain the visual character and architectural scale of existing development within the district.
 - Minimize visual and functional conflicts between residential and non-residential uses within and abutting the area.
 - Promote more efficient parking facilities through encouraging the consolidation of curb cuts, shared driveways and rear-yard parking.
2. Develop a mixed-use zoning category for existing development. Rezone the area to allow residential and low intensity (may be defined as uses that do not attract large volumes of traffic and continuous customer turnovers) commercial and office uses. Include performance standards in the text.
 - Discourage strip-type and auto-oriented commercial uses that create traffic hazards, congestion, and interrupt the area's continuity.
 - Encourage the relocation of existing manufacturing uses.

CV15-008

87 West Frankfort Street

Approximately 0.05 acres



CV15-008
87 West Frankfort Street
Approximately 0.05 acres