

Council Variance Application

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

OFFICE USE ONLY

Application Number: CV15-019 Date Received: 3/31/15
Application Accepted by: S. Pine Fee: \$800 - (w/ rezoning)
Comments: Assigned to Eliza Thrush, ecthrush@columbus.gov, 614-645-1341

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 285-295 E. Fourth Avenue 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: 010-005466, 010-024407, 010-066674

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

Current Zoning District(s): R-4 & M-2 Pending AR-2

Area Commission or Civic Association: ITALIAN VILLAGE COMMISSION

Proposed Use or reason for Council Variance request:

MULTI-FAMILY RESIDENTIAL

Acreage: 10,640 + 15,960 = 26,600
= .61 ACRES

APPLICANT:

Name: CONNIE J. KLEMA ATTORNEY Phone Number: 614 469 9122 Ext.: _____

Address: 145 E RICH ST. 2ND F City/State: Colo OH Zip: 43215

Email Address: CKLEMA@VROHIO.COM Fax Number: _____

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

Name: THE NEW VICTORIANS, INC. Phone Number: 614-291-7555 Ext.: _____

Address: 455 W. 3RD AVE City/State: Colo OH Zip: 43201

Email Address: N/A Fax Number: _____

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

Name: Connie J. Klema Attorney Phone Number: 614 469 9122 Ext.: _____

Address: 145 E RICH ST 2ND F City/State: Colo OH Zip: 43215

Email Address: CKLEMA@VROHIO.COM Fax Number: _____

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

APPLICANT SIGNATURE Connie J. Klema attorney

PROPERTY OWNER SIGNATURE Connie J. Klema on behalf of owner

ATTORNEY / AGENT SIGNATURE Connie J. Klema 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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STATEMENT OF HARDSHIP

CV15-019

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

Conni J. Klema, Attorney

Date

3.30.15

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STATEMENT OF HARDSHIP

CV15-019

The Property is composed of three parcels, one that is improved with a church that is very old and two that are unimproved. The church parcel is zoned M-2 and the two unimproved parcels are zoned R-4. The parcels are bordered on the north by E. Fourth Avenue, on the west by Sixth Street, and on the south by a 20' wide alley.

The parcels are in an area that is rapidly regenerating with new residential and commercial buildings being constructed and old structures being renovated. The owner proposes to renovate the old church and have eight (8) residential units and parking and to combine the unimproved two parcels into one and construct 14 new residences and 22 parking spaces.

The variances requested will permit the old church to remain in its location as-is and be renovated for seven residential units and to construct a new garage structure with a single residential unit above. A one-way access driveway will be developed on the east border of the church parcel to provide access from the 20' alley to the church parcel and to the newly constructed units on the remaining two parcels.

The applicant is rezoning the parcels to AR-2 which permits buildings with five or more units. The applicant requests a variance on the Church parcel to permit a building with only one unit and on the combined parcels to construct two buildings on a lot that is less than 20,000 square feet.

The proposed residential use and density are in the spirit of the area improvements.

The area's manufacturing uses mixed with low density residential structures is converting to a denser neighborhood that preserves historical structures through renovation and improves vacant land with new structures for residential and commercial uses. The practical difficulties of maintaining older structures and mixing in new buildings requires variances from zoning requirements that once accommodated the area's uses.

The use of the Property for residential dwellings will not adversely affect the surrounding neighborhood. 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 area variances address the practical difficulties of improving the Property.

CV15-019

285-295 E. Fourth Avenue

LIST OF VARIANCES

References are to proposed lots as follows:

West lot that will be 10,640 sq. ft. "Lot #1"

East lot that will be 15,960 sq. ft. "Lot #2"

1. 3333.025 AR-2 apartment residential district use: To permit a dwelling containing fewer than three dwelling units and to permit one dwelling unit on Lot #1.
2. 3333.13 AR-2 area district requirements: To permit an apartment complex on a single lot that is less than 20,000 square feet and to be 15,960 square feet on Lot #2.
3. 3333.15(c) Basis of computing area: To permit residential buildings to be erected and occupy together greater than 50 percent of the lot area and to be 51% of the lot area on Lot #2.
4. 3333.16 Fronting: To permit an apartment house to not front on a public street on Lot #2.
5. 3333.18(D) Building lines: To permit setbacks to be less than ten feet (10') and to be 7' 1/8" along Sixth Avenue and 5' 4 7/8" along Fourth Avenue on Lot #1 and 6' 8 1/2" along Fourth Avenue on Lot #2.
6. 3333.25 Perimeter yard: To permit a perimeter yard to be less than ten feet and to be zero feet along the south and east property line of Lot #1, and to be 5' 2 1/2" along the south property line and 0 feet along the east property line of Lot #2 and to permit a dumpster to be located in the east perimeter yard of Lot #2.
7. 3312.13 Driveway: To permit a one way driveway serving more than eight parking spaces to be less than 20' wide and to be 12' 5.5" wide.
8. 3312.25 Maneuvering: To permit maneuvering for one car (noted as C8 on site plan) to not be exclusive and to be shared on Lot #1 and to permit maneuvering to occur over the property line on Lot #2.
9. 3312.49 Off street parking: To permit less than 13 parking spaces on Lot #1 and to permit 11.
10. 3321.01(A) Dumpster: To permit a dumpster to be located in a perimeter yard.

Council Variance Application

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AFFIDAVIT (See instruction sheet)

Application Number: CVIS-019

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

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 285-295 E FOURTH Avenue
for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 3/31/15

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) THE NEW VICTORIANS INC
455 W. THIRD AVE
ColS OH 43201

APPLICANT'S NAME AND PHONE #
(same as listed on front 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 ST Cols OH 43215
4TH FL.

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 Connie J. Klema

Sworn to before me and signed in my presence this 30TH day of MARCH, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

JAMES P. CONNORS, Attorney at Law
My Commission Expires
My Commission Has No Expiration Date
March 12, 2016

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

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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 #

CV15-019

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)
of (COMPLETE ADDRESS)

Connie J. Klema ATTORNEY

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 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. THE NEW VICTORIANS INC. 455 W. 3RD AVE COLS OH 43201 # OF COLS BASED EMPLOYEES: 6 JOSEPH ARMENI - 614 291 7555	2.
3.	4.

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

SIGNATURE OF AFFIANT

Connie J. Klema

Sworn to before me and signed in my presence this

30TH

day of

MARCH

, in the year

2015

Notary Seal Here

SIGNATURE OF NOTARY PUBLIC

JAMES A. GONZALES, Attorney at Law
My Commission Expires
My Commission from the Notary Public
State of Ohio
Notary Public

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

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Connie J. Klema, Attorney
145 E. Rich Street, 2nd FL
Columbus, Ohio 43215

New Victorians Inc
455 W 3rd Avenue
Columbus, OH 43201

Connie Torbeck
Italian Village Commission
50 West Gay Street, 4th FL
Columbus, Ohio 43215

Christopher J. Perry
846 Neil Avenue
Columbus, OH 43215

Omni Management Group LTD
3443 Agler Rd
Columbus, OH 43219

Kevin & Kimberly McMahon
61 Buckeye Dr
Powell, OH 43065

Hazel McGinnis
280 E Fourth Ave
Columbus, OH 43201

Robert McDermott LLC
294 E Fourth Ave
Columbus, OH 43201

Jeffrey M. Jablonka
288 E Fourth Ave
Columbus, OH 43201

James & Carrie Hill
822 Hamlet St. Apt C
Columbus, OH 43215

Joshua Gass
1065 N 6th St
Columbus, OH 43201

Michael A Ford
302 E Fourth Ave
Columbus, OH 43201

Fairfax Homes Inc
345 Forest St
Columbus, OH 43206

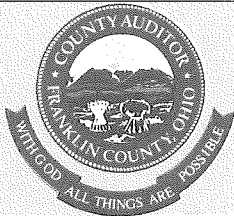
Clark Grave Vault Co
375 E Fifth Ave
P.O. Box 8250
Columbus, OH 43201

Grace Allen ET AL 8
1267 Loretta Ave
Columbus, OH 43211

1086 North Fourth St LS LLC
C/O E A Strause
1020 Dennison Ave
Columbus, OH 43201

CV15-019

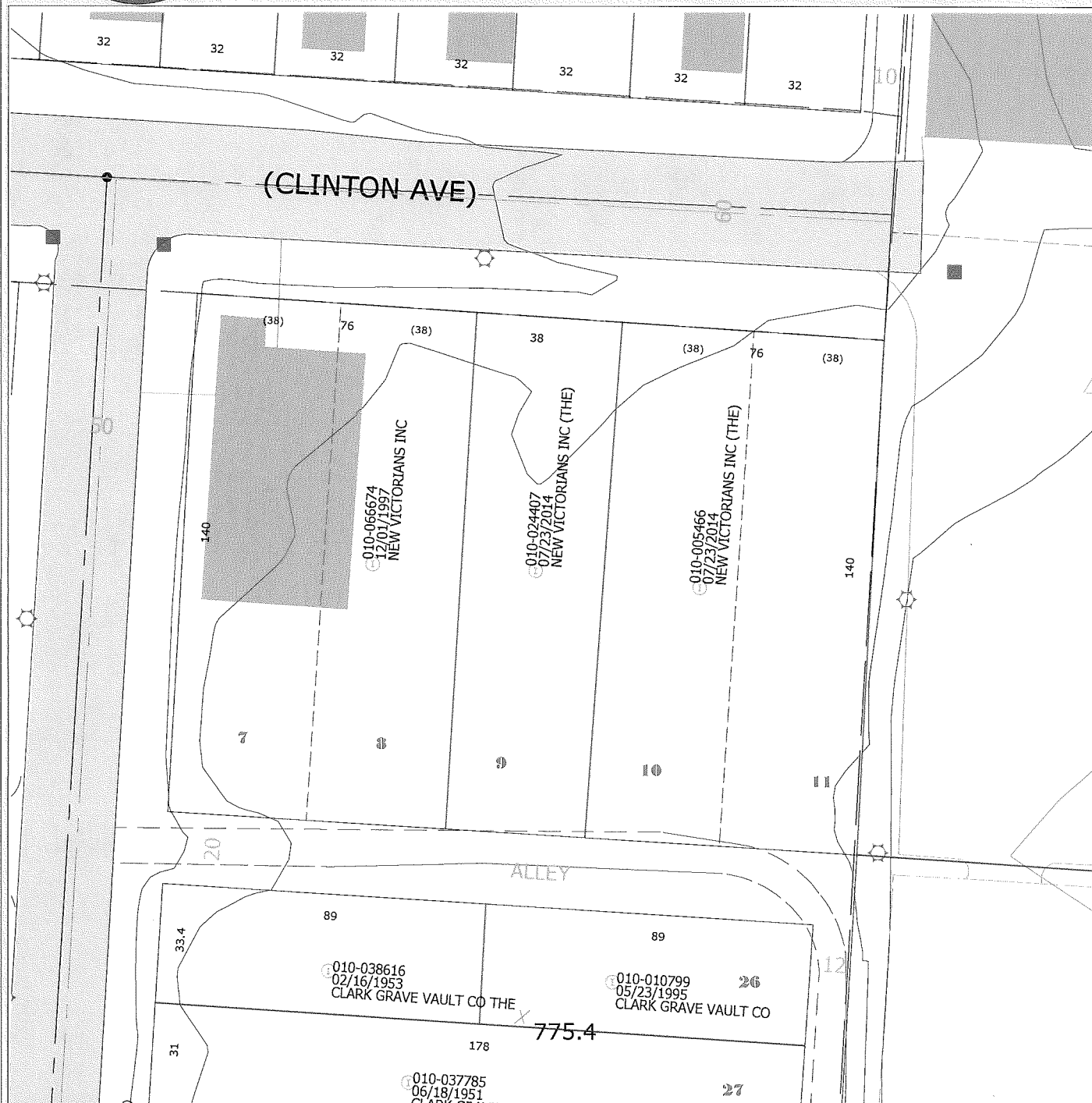
CV15-019



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: c

DATE: 3/31/15



Disclaimer

Scale = 40

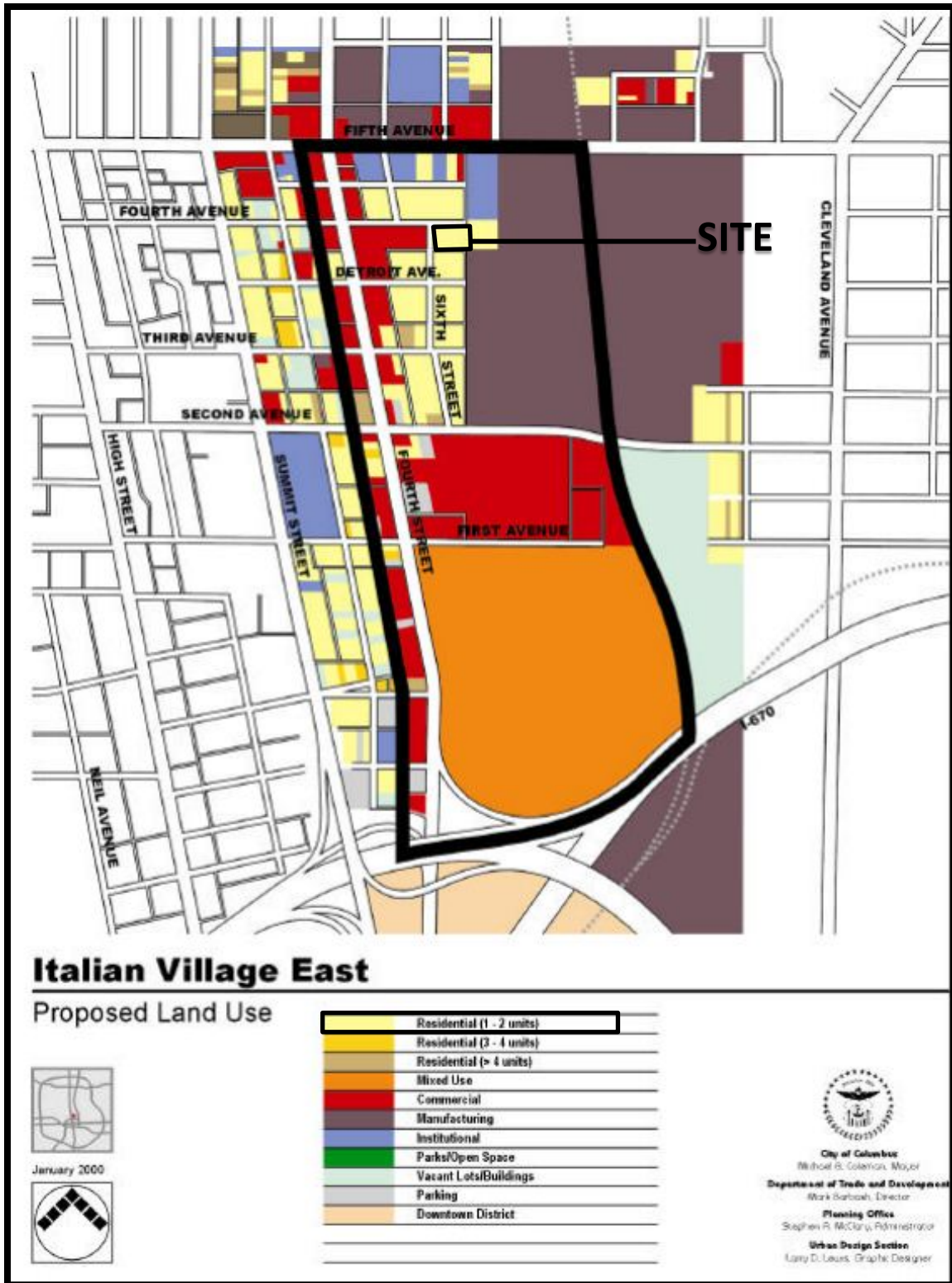


This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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



CV15-019
285 & 295 East Fourth Avenue
Approximately 0.61 acres



CV15-019
285 East Fourth Avenue
Approximately 0.61 acres
Italian Village East Redevelopment Plan (2000)



CV15-019
285 & 295 East Fourth Avenue
Approximately 0.61 acres