

Council Variance Application

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

OFFICE USE ONLY

Application Number: CV15-076 Date Received: 12/1/15
Application Accepted by: SP Fee: \$1600
Comments: Assigned to Shannon Pine; 645-2208; spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes only): 171 E LIVINGSTON AVE Zip: 43215

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: 010178513 (010178514)

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

Current Zoning District(s): C-4

Area Commission or Civic Association: GERMAN VILLAGE

Proposed Use or reason for Council Variance request:

FIRST FLOOR RESIDENTIAL USE / SETBACK

Acreage: < 1 Acre

APPLICANT:

Name: KV DEVELOPMENT, LLC Phone Number: 606-465-9279 Ext.: _____

Address: P.O. Box 1493 City/State: ASHLAND, KY Zip: 401105

Email Address: Shannon@capresources.com Fax Number: _____

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

Name: Livingston Properties, LTD Phone Number: 614 221-3821 Ext.: _____

Address: 171 E. Livingston Ave. City/State: Columbus, OH Zip: 43215

Email Address: p.wallace@paulwallacelaw.com Fax Number: 614 221-6752

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

Name: VINCENZO FRESSOLA Phone Number: 606-694-0992 Ext.: 811

Address: 207 16th STREET #403 City/State: ASHLAND, KY Zip: 41101

Email Address: VFARCHITECTS@aol.com Fax Number: 606-324-9772

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

APPLICANT SIGNATURE Livingston Properties, LTD, by Paul Wallace, member

PROPERTY OWNER SIGNATURE Shannon D. Keen

ATTORNEY / AGENT SIGNATURE Vincenzo Fressola

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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AFFIDAVIT (See instruction sheet)

Application Number: CV15-076

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME SHANNON KEERAN - KV DEVELOPMENT, LLC
of (1) MAILING ADDRESS P.O. Box 1493, ASHLAND, KY 41605

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 171 E. LIVINGSTON AVE, COLUMBUS

for which 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
AND MAILING ADDRESS

(4) Paul Wallace
171 E Livingston Ave
Columbus OH 43215

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

KV Development / Shannon Keeran
606-465-9279

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

(5) GERMAN VILLAGE - CRISTIN MOODY
50. W. GAY ST 4th FLOOR
COLUMBUS, OH
614-645-8040

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

Shannon Keeran

Sworn to before me and signed in my presence this 1st day of DEC, in the year 2015

(8) SIGNATURE OF NOTARY PUBLIC

Notary Seal Here



WILLIAM C. HARRISON My Commission Expires
Notary Public, State of Ohio
My Comm. Expires 03-14-2018
Recorded in Franklin County

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

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KV Development, LLC
Attn: Shannon D. Keeran
P.O. Box 1493
Ashland, KY 41105-1493

Livingston Properties, Ltd
171 E. Livingston
Columbus, OH 43215

VF Design and Consulting, LLC
207 16th Street
Ashland, KY 41101

German Village Historical Council
Attn: Cristin A. Moody
50 W. Gay Street
4th Floor
Columbus, OH 43215

T & L LARRIMER FAMILY LLC
1856 MARBLECLIFF CROSSING
COLUMBUS OH 43204

JEFFERY A SMITH
523 S FOURTH ST
COLUMBUS OH 43206

PATRICK CLINE
290 WEATHERBURN CT
POWELL OH 43065

EAST LIVINGSTON ASSOCIATES,
LLC
1859 NORTHWOOD DR
LANCASTER OH 43130

DAVID WIBLE
158 JACKSON ST
COLUMBUS, OH 43206

JOHN OFFENBACHER
173 E. BLENKNER STREET
COLUMBUS, OH 43206

ROSEMARIE B KEIDEL
495 S FOURTH STREET
COLUMBUS, OH 43215

H3 INVESTMENTS, LLC
519 S FOURTH STREET
COLUMBUS, OH 43215

T & L LARRIMER FAMILY LLC
1856 MARBLECLIFF CROSSING
COLUMBUS, OH 43204

LIVINGSTON METHODIST
EPISCOPAL CHURCH
200 E LIVINGSTON AVE
COLUMBUS, OH 43215

LAUREL A PRESSLER
507 S 4TH STREET
COLUMBUS, OH 43206-1103

T & L LARRIMER FAMILY LLC
1856 MARBLECLIFF CROSSING
COLUMBUS, OH 43204

JAYE C MILLER
170 JACKSON STREET
COLUMBUS, OH 43206

LARRY & BEVERLY MOORE
164 JACKSON STREET
COLUMBUS, OH 43206

MICHAEL & LAURA JOYCE
2561 CHESTER RD
UPPER ARLINGTON, OH 43221

GEORGE & MARGARET
GESOURAS
2663 WELSFORD RD
COLUMBUS, OH 43221

CHN CENTRAL, LLC
1680 WATERMARK DR
COLUMBUS, OH 43215

SUSAN BROWN
336 2ND AVE N
NAPLES, FL 34102

CV15-076

MIKE FERRIS PROPERTIES, INC.
492 S THIRD STREET
COLUMBUS, OH 43215

510 LAZELLE LTD
1640 RIDGEWAY PL
COLUMBUS, OH 43212

DAVID STOLZ
CHRISTINE STOLZ
365 E BECK STREET
COLUMBUS, OH 43206

SEAN ROGERS
524 S FOURTH STREET
COLUMBUS, OH 43206

NICK REED
515 S 4TH STREET
COLUMBUS, OH 43206

T & L LARRIMER FAMILY LLC
1856 MARBLECLIFF CROSSING
COLUMBUS, OH 43204

CORMAG PROPERTIES, LTD
185 E LIVINGSTON AVE
COLUMBUS, OH 43215

LIVINGSTON INVESTMENTS, LLC
181 E LIVINGSTON
COLUMBUS, OH 43215

LIVINGSTON PROPERTIES LTD
UNIT C & UNIT D
171 EAST LIVINGSTON AVE
COLUMBUS, OH 43215

ELLIOT J VANDYNE
JOHN ALLISON
165 EAST LIVINGSTON AVE
COLUMBUS, OH 43215

169 EAST LIVINGSTON LLC
169 E LIVINGSTON AVE
COLUMBUS, OH 43215

R C MOLEK REAL ESTATE, LLC
63 MARKER RD
FARMINGTON, PA 15437

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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.

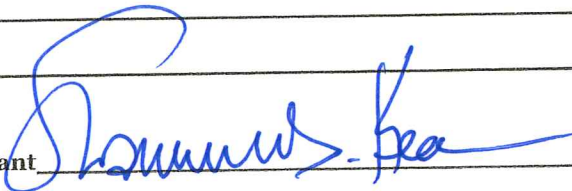
Before authorizing any variance from the Zoning Code in a specific case, City Council shall first determine that such variance will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the 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 letter

X Signature of Applicant



Date

12-1-15

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Please make checks payable to the Columbus City Treasurer

CV15-076

Statement of Hardship; 171-175 Livingston Ave.

TO; CITY OF COLUMBUS; Dept. of Development, Building Services Division

Re; Chapter 3307 – Zoning Code; Section 3307.10 / Variances by City Council

Re; 171-175 Livingston Ave. / Change of Use Variance / setbacks request for Council Approval

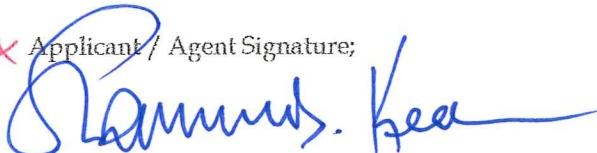
This submission is for a request to change the first floor / lower floor use from general offices in a C-4 to residential condominium use. Upper floors are as of right allowed for residential uses currently.

The property is located on the edge of German Village historic district along the Interstate where South 4th street intersects and connects the area to other parts of developing Columbus. The parcel is in a predominantly residential enclave but it is zoned C-4 commercial because of its street frontage of what was mixed use buildings on the highway service road. Due to the progressive development and restoration of German village properties to residential uses, this property has commercial hardships of occupancy;

- 1- The original use of these buildings was for residential use for many years since constructed and only converted in the mid 70's to office use. However, the spaces do not make functional occupancy for commercial offices due to the small room sizes and railroad type nature of the layout within the structural walls and existing spaces.
- 2- Commercial uses developed for the property would cause additional traffic volume and parking burdens on the area for any successful business venture which is another hardship for that occupancy.
- 3- Demand for commercial office spaces in the area has diminished and rental interest is weak as the space is approximately only 2/3 occupied currently.
- 4- The Use variance for full floor residential would require a setback variance for zero lot line set backs along Oscar Alley(side) and Livingston Ave(front); This is allowed in the C-4 zone. This parcel has an internal shared rear yard HOA garden block courtyard.
- 5- Parking for the intended 4 residential units will have the required 6 parking spaces off street provided.

It is our intention to restore and renovate the building to fully occupied residential use with mostly interior modifications that will not alter the exterior character or historic significance of the property as required by the GVC guidelines. This request approval will not have any adverse effects on the surrounding properties at all. We realize that rezoning the parcel is an unlawful 'spot' zone and inconsistent with adjacent properties as such and is not part of the request.

X Applicant / Agent Signature;



Date;

12-1-15

CV15-076

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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 # CV15-076

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) SHANNON KEERAN KU DEVELOPMENT, LLC
of (COMPLETE ADDRESS) P.O. Box 1493, Ashland, KY 41105

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. 500 SOUTH 4TH ST. Michael Pinardi Columbus OH 43215 614-541-2336	2. Rick Colby 169 E. Livingston Ave Columbus OH 43215
3. DAVE STOLZ 159 E. LIVINGSTON AVE Columbus OH 43215 614-228-1400	4. 165 E Livingston Vandyme Elliot John Allison Columbus OH 43215

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 1st day of Dec, in the year 2015

SIGNATURE OF NOTARY PUBLIC

WILLIAM C. HARRISON

Notary Public, State of Ohio My Commission Expires
My Comm. Expires 03-14-2018
Recorded in Franklin County

Notary Seal Here

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

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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: 010178514

Zoning Number: 171

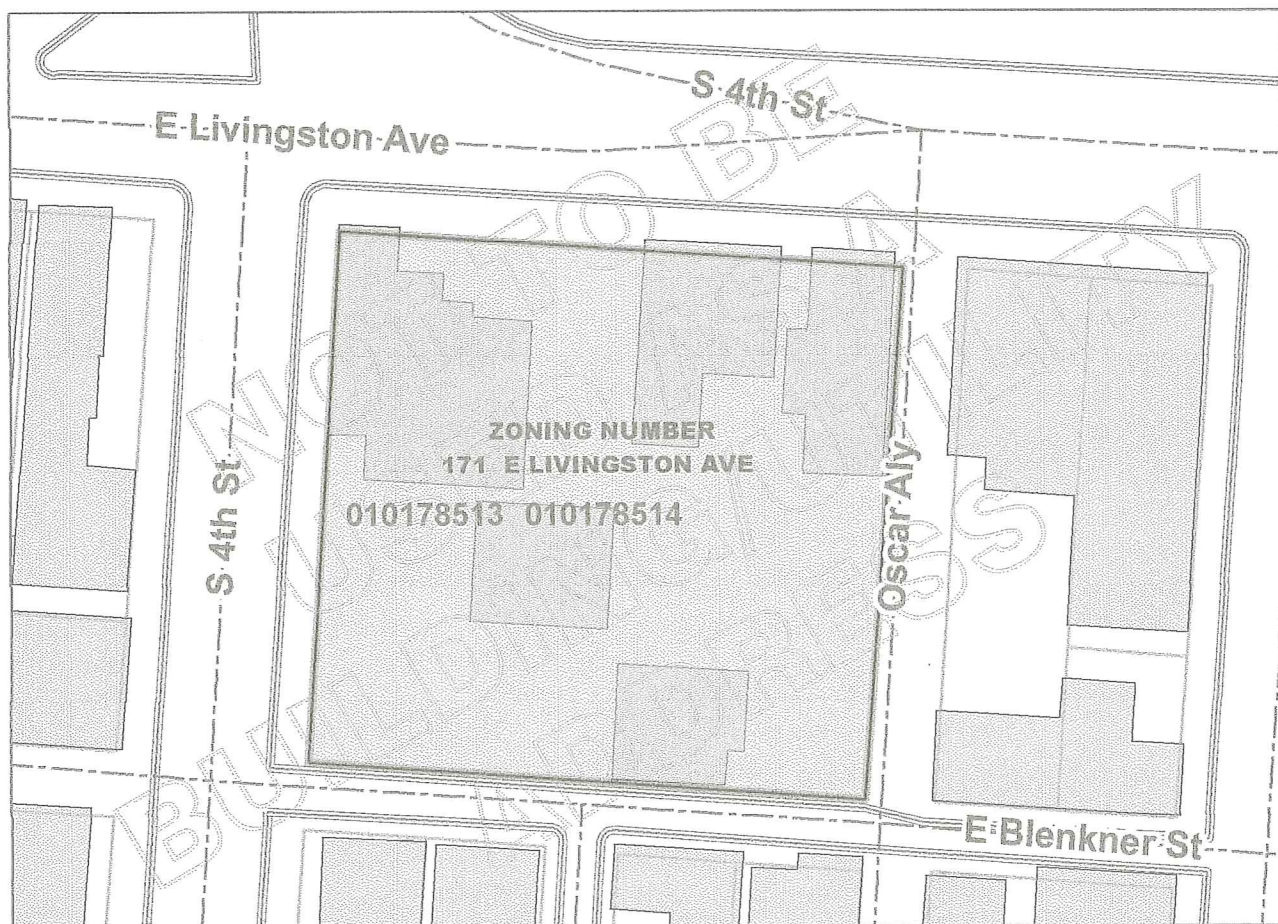
Street Name: E LIVINGSTON AVE

Lot Number: N/A

Subdivision: N/A

Requested By: VINCENZO FRESSOLA

Issued By: *Vincenzo Fressola* Date: 11/20/2015



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

SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 50357

CV15-076

of FRANKLIN

County, Ohio, for valuable consideration paid, grants, with general warranty covenants, to
LIVINGSTON PROPERTIES, LTD. AN OHIO DOMESTIC LIMITED LIABILITY COMPANY

whose tax-mailing addresses are:

the following **REAL PROPERTY**:

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN, AND IN THE CITY OF COLUMBUS:

BEING UNITS C & D, IN GERMAN VILLAGE PROFESSIONAL CENTER CONDOMINIUM, AS THE SAME ARE
NUMBERED, DESIGNATED, DELINEATED AND DESCRIBED IN THE DECLARATION, BYLAWS AND DRAWINGS
THEREOF, OF RECORD, RESPECTIVELY, IN DEED BOOK 3680, PAGES 643-686, BOTH INCLUSIVE AS
AMENDED IN DEED BOOK 387, PAGES 661-662, BOTH INCLUSIVE; AND CONDOMINIUM PLAT BOOK 4,
PAGES 252-270, BOTH INCLUSIVE, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.

PARCEL No. 010-178514; 010-178513

PROPERTY ADDRESS: 171 E. LIVINGSTON AVENUE, COLUMBUS, OHIO

Subject to taxes and assessments which are now or may hereafter become liens on said premises and except conditions and
restrictions and easements, if any, contained in former deeds of record for said premises, subject to all of which this
conveyance is made.

Prior Instrument Reference: OFFICIAL RECORDS VOLUME 8271, PAGE 106; OFFICIAL RECORDS VOLUME
8293, PAGE E07 of the Deed Records of FRANKLIN County, Ohio.

Witness its hand and seal, this 15TH day of DECEMBER 2003
Signed and acknowledged in presence of:

C.M. LIMITED, AN OHIO LIMITED
PARTNERSHIP

Witness

Witness

Witness

Witness

By:

CM MEDIA, INC. ITS GENERAL PARTNER BY

By:

MAX S. BROWN, PRESIDENT

State of OHIO

SS.

County of FRANKLIN

BE IT REMEMBERED, That on this 15TH day of DECEMBER 2003, before me, the subscriber, a Notary Public in
and for said state, personally came
C.M. LIMITED, AN OHIO LIMITED PARTNERSHIP

By: CM MEDIA, INC. ITS GENERAL PARTNER BY By: MAX S. BROWN, PRESIDENT
the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be JOS voluntary act and deed, and the
voluntary act and deed of said partnership.

IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my official seal on the day and year last
aforesaid.



ROBERT C. ROESCH, II ATTORNEY AT LAW
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.

Robert C. Roesch II
Notary Public

171 – 175 East Livingston Ave. Legal Property Description / Deed

C.M. Limited, an Ohio Limited Partnership of Franklin County Ohio for valuable consideration paid, grants, with general warranty covenants, to

Livingston Properties , LTD , an Ohio Limited Liability Company

Real Property;

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

Being Units C & D, In German Village Professional Center Condominium as the same are numbered, designated, delineated and described in the declaration, by laws and drawings thereof, of record, respectively, in deed book 3680, Pages 643-686, Both Inclusive and condominium Plat book 4, pages 252-270, both inclusive, Recorder's office, Franklin County, Ohio.

PARCEL NO; 010-178514 ; 010-178513

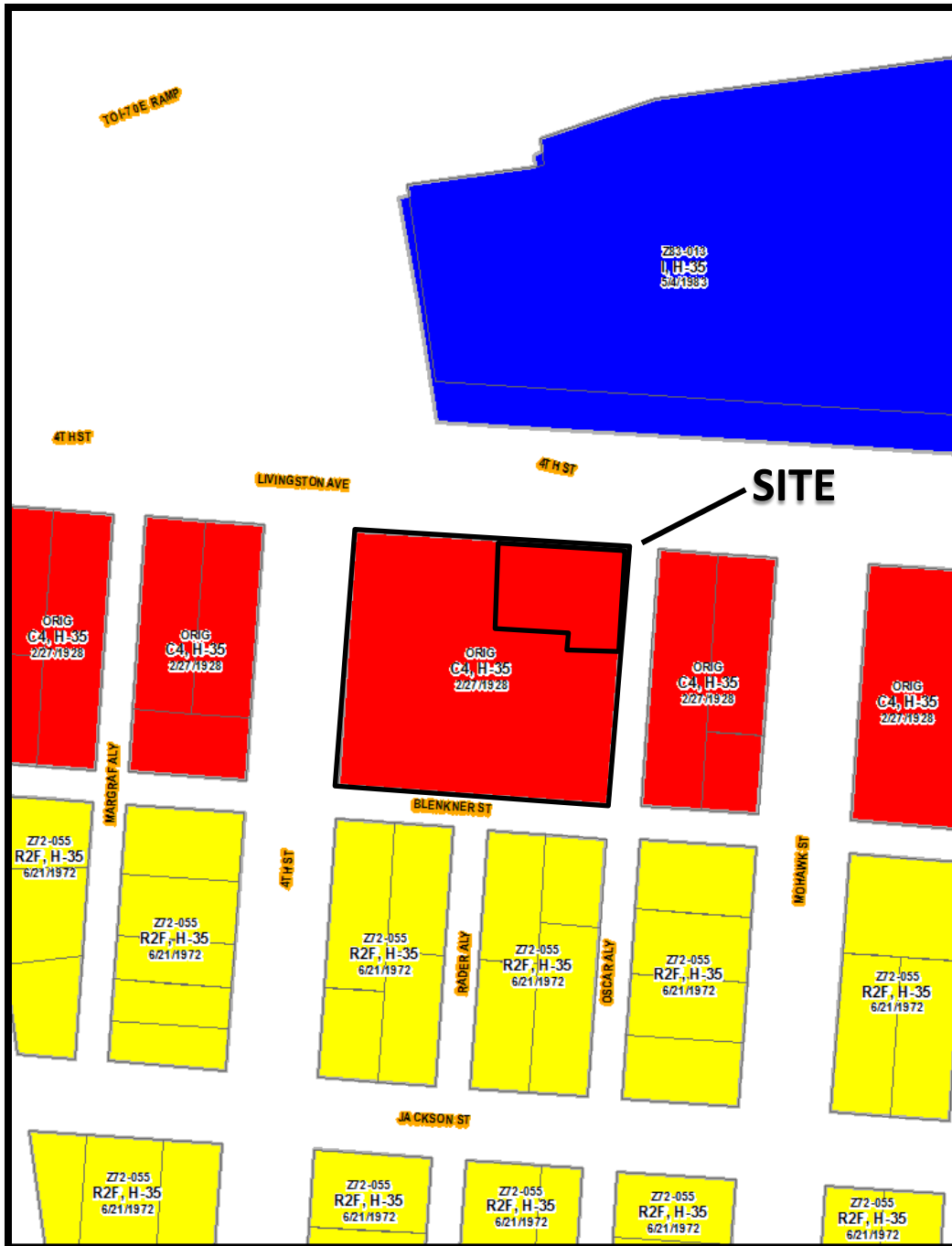
PROPERTY ADDRESS: 171 E. Livingston Avenue, Columbus OHIO

Prior Instrument Records;

Official Records Volume 8271 Page I-06; Official Records Volume 8293, Page E-07

15th Day December 2003 C.M. Limited, An Ohio Limited Partnership / Pres. Max S. Brown

CV15-076



CV15-076
171 East Livingston Avenue
Approximately 0.47 acres



CV15-076
171 East Livingston Avenue
Approximately 0.47 acres