

Date 6/29/10 Application # CV10-026
City of Columbus | Department of Development | Building Services Division | 757 Gady Avenue Columbus, Ohio 43224
\$1260-



COUNCIL VARIANCE APPLICATION

OFFICE USE ONLY:

Planning Area: Hilltop Received By: S. Pine

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 416 Midland Ave Zip 43223

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 010-064839

☐ If applicable, check here if listing additional parcel numbers on a separate page (Required)

Current Zoning District (s) ARI

Recognized Civic Association or Area Commission Greater Hilltop Area Commission

(See Instructions in "Things to Remember" on the front of application packet)

Proposed Use or reason for Council Variance request: To conform existing 2-family Dwelling in ARI

Proposed Height District: Existing H-35 Acreage 0.204
(Columbus City Code Section 3309.14)

APPLICANT: Name TRZ Group, LLC

Address 3965 Washington City Columbus Zip 43215

PROPERTY OWNER(S) Name G. Hudecek, Tr

Address P.O. Box 91296 City Columbus Zip 43209

☐ If applicable, check here if listing additional property owners on a separate page (Required)

ATTORNEY / AGENT

☒ Attorney

☐ Agent

Name Rebecca L. Egelhoff

Address 88 E. Broad St., STE 2000 City Columbus Zip 43215

Phone # 614-227-6040 Fax # 614-227-6041

Email rebecca.mentelle@algroup.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature Thomas J. Linstrom Member

Property Owner Signature Thomas J. Linstrom Member

Attorney / Agent Signature Rebecca Egelhoff

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.

Planner: Shannon Pine, 645-2200, spine@columbus.gov

CV10-026



AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Rebecca L. Egelhoff
of (1) MAILING ADDRESS 88 E. BROAD ST., STE 2000, 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) CERTIFIED ADDRESS FOR ZONING PURPOSES 416 Midland Ave
for which the application for a rezoning, variance, special permit or graphics plan was filed
with the Department of Development, Building Services Division on (3) 6/29/10
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

(4) G. Hudecek, Tr
P.O. Box 91296
Columbus, OH 43209

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

TR2 Group, LLC
740-361-7315

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

(5) Greater Hilltop Area Commission
Dave Horn, Zoning Chair
105 S. Brinker Ave., Cols., OH 43204

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)

SIGNATURE OF AFFIANT

(8) Rebecca L. Egelhoff
Subscribed to me in my presence and before me this 29th day of June, in the year 2010

SIGNATURE OF NOTARY PUBLIC

(8) Laura L. Gerber
2/4/2014

My Commission Expires:



Laura L. Gerber
Notary Public, State of Ohio
My Commission Expires 02-04-2014

TRZ Group, LLC
396 S. Washington
Columbus, OH 43215

G. Hudecek, Tr
P.O. Box 91296
Columbus, OH 43209

Rebecca L. Egelhoff
The Law Offices of Sean A. Mentel, LLC
88 E. Broad St., Ste 2000
Columbus, OH 43215

Greater Hilltop Area Commission
c/o Dave Horn, Zoning Chair
105 S. Brinker Ave.
Columbus, OH 43204

Daniel Rathburn & Jeananne Harber
2154 Sullivant Ave
Columbus, OH 43223

Buffey Barry
407 Whitethorne Ave.
Columbus, OH 43223

Raquel Flores & Isrrael Jimenez
7593 Bay Hill Drive
Pickerington, OH 43147

Brian T. Bogar
401 Midland Ave.
Columbus, Ohio 43223

Mark Wolfe & Daniel Pizzurro
899 Whitethorne Ave.
Columbus, OH 43223

Catriece Smith
411 Midland Ave.
Columbus, Ohio 43223

Columbia Gas of Ohio, Inc.
200 Civic Center Drive
P.O. Box 117
Columbus, Ohio 43216

Homes on the Hill Community Dev. Corp.
4318 Westland Mall
Columbus, OH 43228

James & Helga Mauler
183 S. Hampton Rd.
Columbus, OH 43213

Willie Thomas
1696 Hanford St., Apt. B
Columbus, OH 43206

Equity Trust Co., Custodian FBO Reilly
Smith IRA
P.O. Box 1529
Elyria, OH 44036

Community House Network Inc.
CHN Far North Holding, LLC
1680 Watermark Dr.
Columbus, OH 43215

James & Lennie Haynes
398 Midland Ave.
Columbus, OH 43223

Chester Thomas
2175-2177 Sullivant Ave.
Columbus, OH 43223

Harold Burchett
1301 Deerlick Dr.
Columbus, OH 43228

Ross Harris Investment, LLC
607 Menlo Ave
Menlo Park, CA 94025

Richard & Camilla Martin
397 Whitethorne Ave
Columbus, OH 43223

Mauricio & Regina Ortega
406-408 Midland Ave.
Columbus, OH 43223

Shawn Simons
395 Midland Ave.
Columbus, OH 43223

Joseph Phelan, Jr.
401 Whitethorne Ave.
Columbus, OH 43223

CV10-026

Applicant

TRZ Group, LLC
396 S. Washington
Columbus, OH 43215

Property Owner

G. Hudecek, Trustee
P.O. Box 91296
Columbus, Ohio 43209

Attorney

Rebecca L. Egelhoff
88 E. Broad Street
Suite 2000
Columbus, OH 43215

Neighborhood Group

Greater Hilltop Area Commission
c/o Dave Horn, Zoning Chair
105 S. Brinker Ave.
Columbus, OH 43204

Surrounding Property Owners

Daniel & Jeananne Rathburn
2154 Sullivant Ave.
Columbus, OH 43223

Buffey Barry
407 Whitethorne Ave.
Columbus, OH 43223

Raquel & Israel Jimenez
7593 Bay Hill Dr.
Pickerington, OH 43147

Brian Bogar
401 Midland Ave.
Columbus, OH 43223

Mark Wolfe & Dan Pizzurro
899 Whitethorne Ave.
Columbus, OH 43223

Catriece Smith
411 Midland Ave.
Columbus, OH 43223

Columbia Gas of OH, Inc.
200 Civic Center Dr.
P.O. Box 117
Columbus, OH 43216

Homes on the Hill Community
Development Corp.
4318 Westland Mall
Columbus, OH 43228

James & Helga Mauler
183 S. Hampton Rd.
Columbus, OH 43213

Willie Thomas
1696 Hanford St., Apt B
Columbus, OH 43206

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Reilly Smith IRA
P.O. Box 1529
Columbus, OH 44036

Community Housing
Network, Inc.
CHN Far North Holding
1680 Watermark Dr.
Columbus, OH 43215

James & Lennie Haynes
398 Midland Ave.
Columbus, OH 43223

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2175-2177 Sullivant Ave.
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Columbus, Ohio 43223

Richard & Camilla Martin
397 Whitethorne Ave.
Columbus, Ohio 43223

CW10-026



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 statement

Signature of Applicant

Thomas J. Armstrong
Member

Date *6-28-10*

COUNCIL VARIANCE
414-416 and 420-422 Midland Avenue

COUNCIL VARIANCE:	To conform existing 2-family dwellings in AR1 zoning district
PROPERTY ADDRESS:	414-416 and 420-422 Midland Avenue, Columbus, Ohio 43223
PARCEL NUMBERS:	010-064839
OWNER:	G. Hudecek Tr
APPLICANT:	TRZ Group, LLC
DATE OF APPLICATION:	June 28, 2010

STATEMENT OF HARDSHIP

The property subject to this Council Variance application is approximately 0.204 acres in size. It is commonly known as 414-416 and 420-422 Midland Avenue and consists of Parcel Number 010-064839 (the site). The site is currently zoned in the AR1, Apartment Residential District. The applicant requests the following Council Variances for the site:

1. C.C. §3333.02 AR1 Apartment Residential District use - To permit a Two-Family Dwelling in this AR1 Zoning District.
2. C.C. §3333.09 Area District Lot Width Requirements – To conform to the existing conditions on the site by reducing the lot width from 50 feet to 37.5 feet in this AR1 district.
3. C.C. §3333.12 AR1 Area District Requirements – To conform to the existing conditions on the site by allowing a two-family dwelling or other principal building on a lot that is 0.105 acres.
4. C.C. §3333.18 Building Lines – To conform to the existing conditions on the site by reducing the minimum building setback from 10 feet to 5 feet.
5. C.C. §3333.22 Maximum Side Yard Permitted – To conform to the existing conditions on the site.
6. C.C. §3333.23 Minimum Side Yard Permitted – To reduce the minimum side yard from 5 feet to 1.5 feet.
7. C.C. §3333.24 Rear Yard – To reduce the minimum rear yard from no less than 25% of total area to no less than 5% of total area.
8. C.C. §3333.30 Private Access and Parking Requirements – To conform to the existing conditions by not requiring private access for parking on this site.
9. C.C. §3312.49 Minimum Number of Parking Spaces Required – To reduce the required number of parking spaces from 2 per dwelling to 0.

The Applicant has requested these variances for this site in order to avoid an unnecessary hardship. This site became non-conforming to the Zoning Code for the City of Columbus prior to the Applicant's ownership of the property. However, the Applicant is seeking these variances to bring the property into conformance with the Zoning Code in order to prevent problems with financing and to ensure the ability to rebuild the dwelling, as is, in the event of property damage or destruction. Additionally, the Applicant is seeking to split the lot into two separate parcels, with one two-family dwelling located on each parcel.

These variances would be in harmony with the general purpose and intent of the Zoning Ordinance and preserve its spirit. This area of Midland Avenue is primarily residential and includes mostly Two-Family Dwellings throughout the neighborhood. Therefore, the granting of these variances will not adversely affect the health or safety of persons residing or working in the neighborhood and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.

CW10-026

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

BEING PARTS OF LOTS NUMBERED TWO HUNDRED SIXTY-NINE (269) AND TWO HUNDRED SEVENTY (270) OF HAYDEN AND PRICE'S WESTWOOD HEIGHTS ADDITIONS, AS THE SAME ARE NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 4, PAGE 426, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBERED 269;

THENCE EAST ALONG THE NORTH LINE OF SAID LOTS 269 AND 270 A DISTANCE OF 87 FEET TO A POINT IN THE NORTH LINE OF LOT 20;

THENCE SOUTH ON A LINE PARALLEL WITH THE NORTH LINE OF SAID LOT 270 AND LOT 269 A DISTANCE OF 87 FEET TO A POINT IN THE WEST LINE OF SAID LOT 269;

THENCE NORTH ALONG THE WEST LINE OF SAID LOT 269 A DISTANCE OF 102 FEET TO THE NORTHWEST CORNER OF SAID LOT 269 WHICH IS ALSO THE PLACE OF BEGINNING.

PERMANENT PARCEL NO.: 010-064839-00

PROPERTY ADDRESS: 414-422 MIDLAND AVENUE, COLUMBUS, OH 43223

PRIOR DEED REFERENCE: OFFICIAL RECORD VOLUME 200904080049594



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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CW10-026

Being first duly cautioned and sworn (NAME)

of (COMPLETE ADDRESS)

Rebecca Egelhoff
88 E. Broad St., Ste 2000, 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 formats

Name of business or individual
Business of individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

TRZ Group, LLC
396 S. Washington
Columbus, OH 43215
Contact: Tom Armstrong
740-361-7315
of employees = 1

☐ If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

Rebecca Egelhoff
Subscribed to me in my presence and before me this 29th day
of June, in the year 2010

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Laura L. Gerber
2/4/2014



This Project Disclosure Statement expires six months after date of notarization.
Laura L. Gerber
Notary Public, State of Ohio
My Commission Expires 02-04-2014 — Council Variance Packet



City of Columbus Zoning Plat

CW10-026N



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: 010064839

Zoning Number: 416

Street Name: MIDLAND AVE

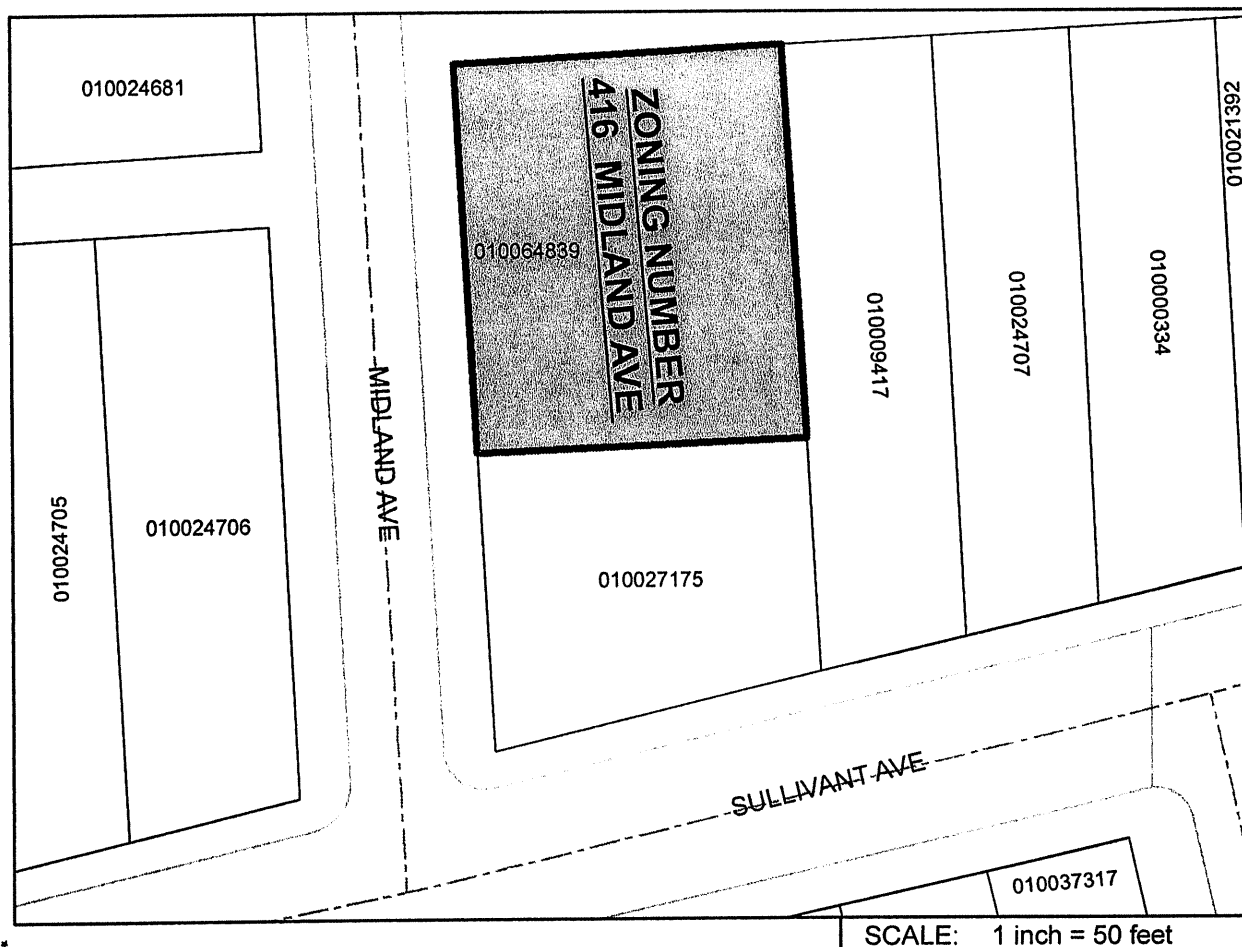
Lot Number: 269-270

Subdivision: WESTWOOD HTS

Requested By: THE LAW OFFICE OF SEAN A. MENDEL, LLC

Issued By: Adyana Amararam

Date: 6/25/2010



SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 5781



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

Cv10-026



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S DATE: 6/24/10



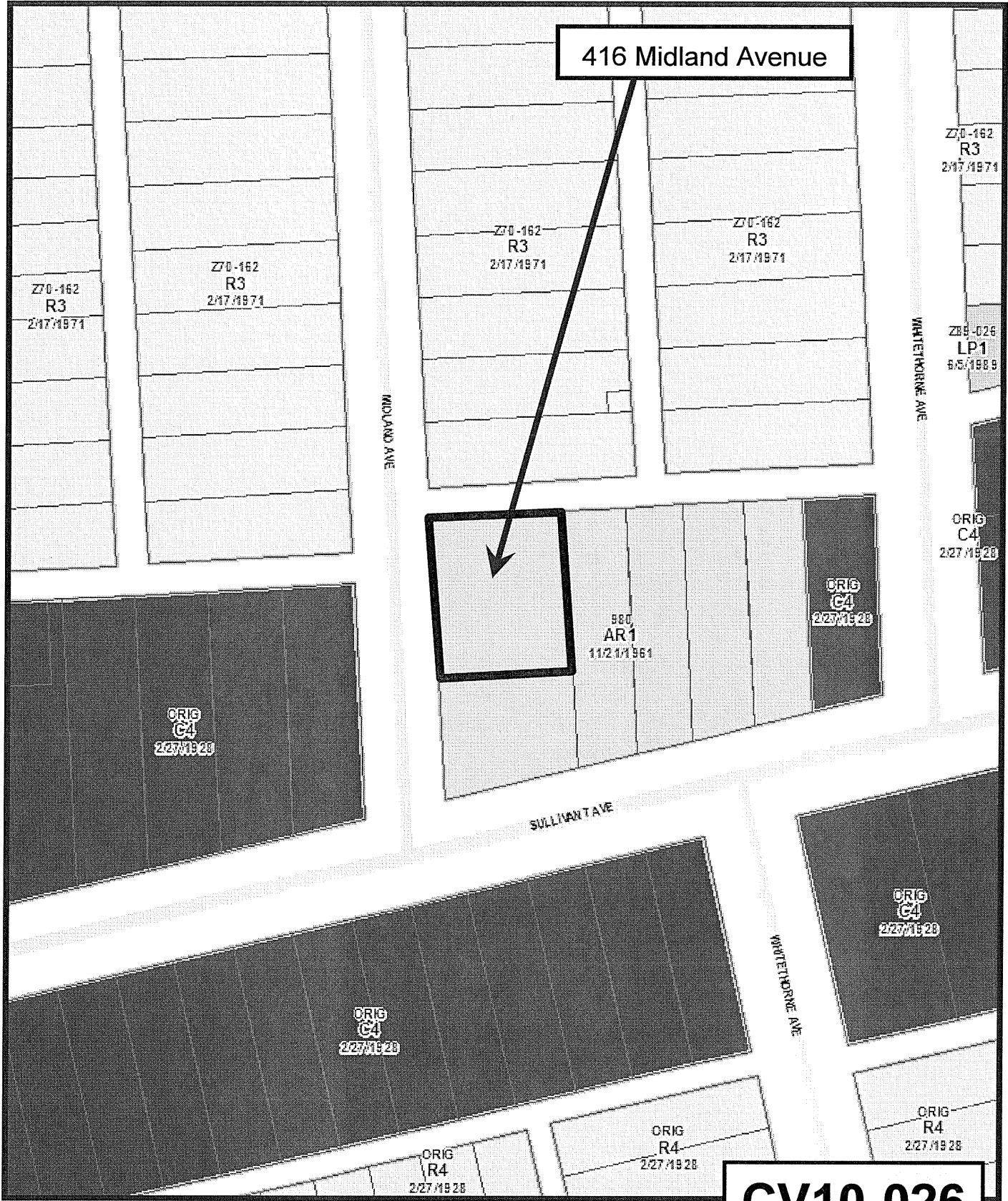
Disclaimer

Scale = 100

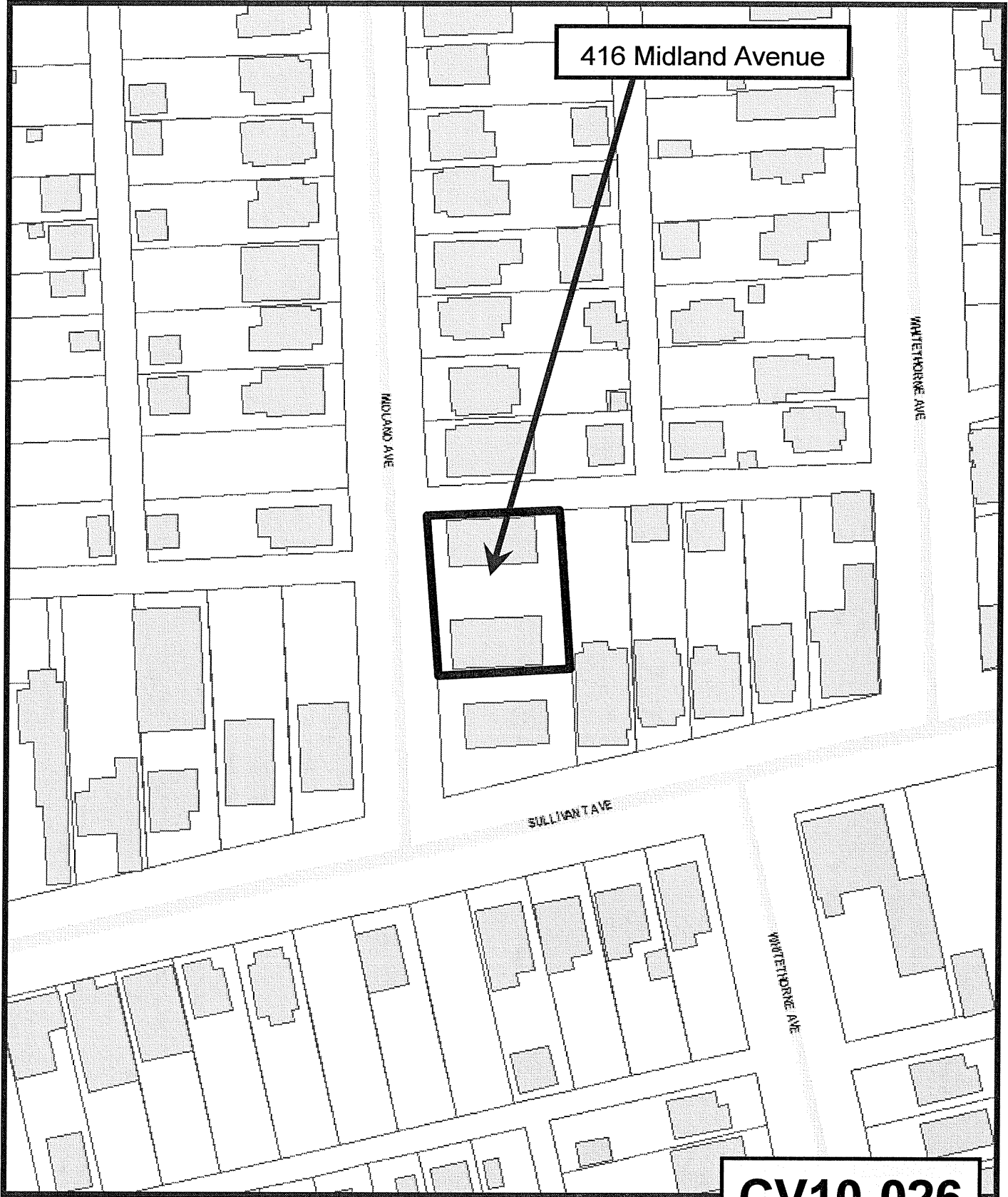
Grid
North

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

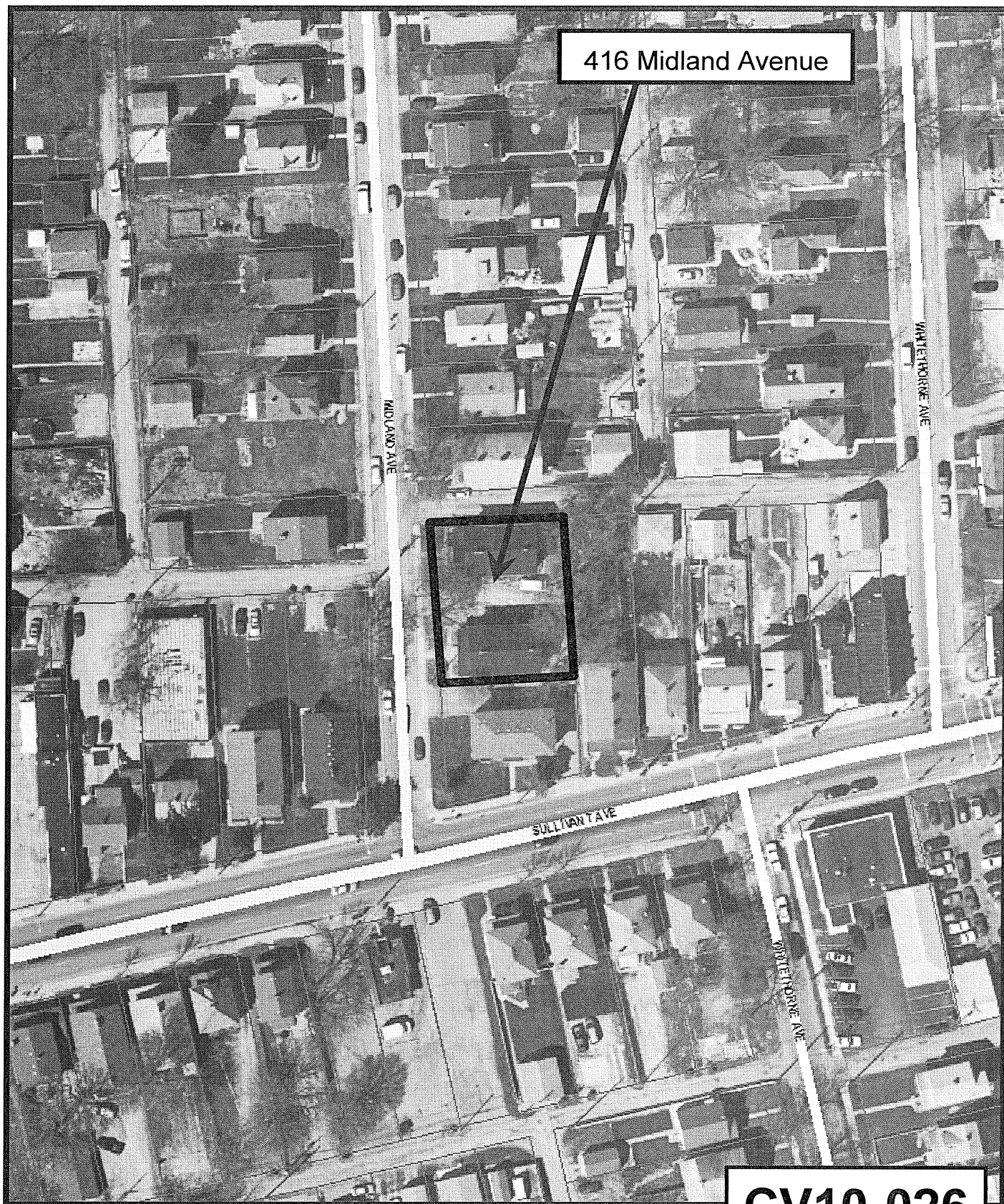


CV10-026



416 Midland Avenue

CV10-026



416 Midland Avenue

CV10-026