

Date 5/3/10

Application # 10315-00000-00142
CV10-013

City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue Columbus, Ohio 43224

#1660



COUNCIL VARIANCE APPLICATION

OFFICE USE ONLY:

Planning Area: 5th by NW

Received By: SP

LOCATION AND ZONING REQUEST:

Certified Address(for Zoning Purposes) 1200 West 5th Avenue Zip 43212

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 010-061686-00

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

Current Zoning District (s) C-4

Recognized Civic Association or Area Commission 5th by Northwest

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

Proposed Use or reason for Council Variance request: Office to residential

Proposed Height District: H-35 Acreage 0.334

(Columbus City Code Section 3309.14)

APPLICANT: Name Steven R. Mauger

Address 2043 North Devon Road City Upper Arlington Zip 43212

PROPERTY OWNER(S) Name 1200 Properties LLC

Address c/o KRG 1480 Dublin Road City Columbus Zip 43215

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

ATTORNEY / AGENT

☐ Attorney

☒ Agent

Name NA

Address _____ City _____ Zip _____

Phone # _____ Fax # _____

Email _____

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

Applicant Signature _____

Property Owner Signature _____

Attorney / Agent Signature _____

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.



PRE-APPLICATION REVIEW WORKSHEET

THIS PAGE WILL BE COMPLETED AT THE PRE-APPLICATION REVIEW MEETING BY CITY STAFF

- ☐ Address or location of the site 1200 W. 5th Ave
☐ Annexation status in Columbus
☐ Current development on the property office / apartment
☐ Current zoning and legal use of the property C-4
 (Attach computer record if applicable)
☐ Proposed use of the site ground-floor residential
☐ Zoning Districts, Variances or Special Permit requested O.33
☐ Total acreage of the site
☐ Site location -
 Attach and identify here the types of maps referenced (Zoning Map / GIS Map)
☐ Special development review standards:
 Flood plain N/A
 Airport Environs Overlay
 Historic Districts (HRC, Architectural Review, Listed Property)
 Traffic Standards Code (Right of Way, TIS, other)
 Parkland (land, easements, bike paths, other)
 Zoning Clearance (Site plan review)
 Other
☐ Review of Public Notice Affidavit requirements Dan Blechschmidt 645-1694
☐ Adopted Area Plan or Development Policies N/A
 Recommendation / Other 645-8637
☐ Preliminary Review of Limitation text or planned district text standards 5th by NW plan rec
☐ Area Commission or other Community Group 5th by NW Area Commission
☐ Proposed Hearing Date
☐ Cut-off Date for the Proposed Hearing Date
☐ Items to be completed or revised before submittal

☐ Requested Variances: Use variance for C-4 and add any other variances that may need to be included

Comments (Applicant)

Comments (City) Correct mailing labels for Becky Obester + Milicki

Staff met with Steve Mangel on 12/23/09 regarding this proposed application and applicant received a copy of this pre-application worksheet.

City Staff Representative Shannon Kane Date 12/23/09

Note: This Pre-Application Review is preliminary, based upon the information presented. This document is a tool to allow staff to become acquainted with the proposal and to identify issues relevant to the application. Additional information may be necessary after City Staff formally reviews your request.



AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Steven R. Mauger
of (1) MAILING ADDRESS 2043 North Devon Road, Columbus, Ohio 43212
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 Same
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) 5/3/10
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

(4) 1200 Properties LLC
c/o Steve Mauger
2043 North Devon Road
Columbus, Ohio 43212

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

Steven R. Mauger
(614) 296-5700

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

(5) Fifth by Northwest Area Commission
Rebecca Obester, Chair
fifthbynorthwest@gmail.com

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

Subscribed to me in my presence and before me this 22 day of December, in the year 2009

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

(8) Lucinda A. Stevens
2-16-2010



LUCINDA A. STEVENS
Notary Public, State of Ohio
My Commission Expires 02/16/2010

CV10-013

1200 Properties LLC
1200 W. Fifth Ave.
Columbus, OH 43212
010-061686

Demand Investments LLC
1195 W. Fifth Ave.
Columbus, OH 43212
010-063158 & 010-063159

Fellows William J & Betty L
1489 Doten Ave.
Columbus, OH 43212
010-061893

Freeman Constance L Tod
1499 Doten Ave.
Columbus, OH 43212
010-061895

Heavenly Homes LLC
1188 W. Fifth Ave.
Columbus, OH 43212
010-061684

**Lawson Greg R Rosier-Lawson
Jennett**
1508 Meadow Rd.
Columbus, OH 43212
010-061890

McKee Virgil & Barbara L
1481 Doten Ave.
Columbus, OH 43212
010-061685

Mlicki Ronald P & Karen J
1209 - 217 W. Fifth Ave.
Columbus, OH 43212
010-069824

Moraitis Marino & Jacqueline
1212 W. Fifth Ave.
Columbus, OH 43212
010-061689

Grefka Mary L
1495 Doten Ave.
Columbus, OH 43212
010-061894

Reinhart Christine G
1504 Meadow Rd.
Columbus, OH 43212
010-061891

Rosebrook Darrin J Rosebrook Hilary
1498 Meadow Rd.
Columbus, OH 43212
010-061892

Steventon Conrad LLC
1208 W. Fifth Ave.
Columbus, OH 43212
010-061688

Treboni Louis A & Anna M
1177 W. Fifth Ave.
Columbus, OH 43212
010-062505

Steven R Mauger
2043 N. Devon Rd.
Upper Arlington, OH 43212
Applicant

1200 Properties LLC
c/o KRG 1480 Dublin Rd.
Columbus, OH 43215
Property Owner

Fifth by Northwest Area Commission
attn.: Ms. Rebecca Obester
1100 King Avenue
Columbus, OH 43212
Commission



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:

Change of use on first floor from general office to residential apartments. This building was originally constructed as apartments and converted to office use. The owners want to change the use back to as many as six (6) residential units (the original number of units for this area of the building), due to a lack of demand for office space. No exterior changes will be required and most interior modifications will be cosmetic.

The owners of 1200 West 5th Avenue are requesting a change of use on the first floor from general office to residential apartments. This building was originally constructed as all residential apartments, then converted to office use many years ago. The current hardship revolves around the fact that the demand for office space in this area has disappeared, as evidenced by the fact that in the past 20 months we have only had three (3) showings on approximately 4,000 square feet of office space and only one new lease of 800 square feet. On the other hand, this building has seven (7) apartment; all of which are currently rented, and have remained rented consistently over the past 29 years. A real hardship exists when you consider that we, the owners, pay all utilities, real estate taxes, insurance and other operating expenses for this vacant office space. A return to residential apartments would reduce the parking demand and conform to the residential nature of the neighborhood, while making this building economically viable again.

Signature of Applicant

Steve Manger

Date 12/22/09

STATEMENT OF HARDSHIP

Supplemental Information

Date: April 29, 2010

Subject Property: 1200 West 5th Avenue
Columbus, Ohio 43212

Applicant: 1200 properties LLC
c/o Steve Mauger, managing member
2043 N. Devon Road
Columbus, Ohio 43212

Having completed the preliminary site review process on January 14, 2010, we would like to include the "live/work" use as part of the Council variance for the six proposed first floor units, which consists of approximately 5,000 square feet. We believe that the appropriate "work space" would be approximately 30% of each apartment unit. This would allow the building to provide for a perceived increasing demand for a working component within the residential living environment.

Although the variance would include a parking variance, the parking requirement by code would actually decrease:

Current Use Parking Requirement

7 apartments x 2 spaces/apt =	14 spaces
5,000 sf office (@1space/ 250 sf) =	<u>20 spaces</u>
	34 spaces

Proposed Use Parking Requirement

13 apartment x 2 spaces =	26 spaces
(or 13 x 1.5 spaces*) =	19.5 spaces

*Proposed new parking code

Requested Variances:

1. First floor- Office uses to live/work use- 6 units
2. Parking 26 to 9 provided
3. Gravel drive way- existing
4. Existing set back 60'
5. Dumpster screening



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 # CV10-013

Being first duly cautioned and sworn (NAME) Steven R. Mauger
of (COMPLETE ADDRESS) 1200 West Fifth Avenue, Columbus, Ohio 43212

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

Steven R. Mauger 2043 North Devon Road Columbus, Ohio 43212	Richard Bengson 293 Deland Avenue Columbus, ohio 43214
Dana Reynolds, Jr. 4070 Kioka Avenue Columbus, Ohio 43220	Nancy Mauger Davis & Julie Mauger 2870 Asbury Road Columbus, Ohio 43221

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 22 day
of December, in the year 2009

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Lucinda A. Stevens
2-16-2010

This Project Disclosure Statement expires six months after date of notarization.





City of Columbus Zoning Plat

CV10-013

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: 010061686

Zoning Number: 1200

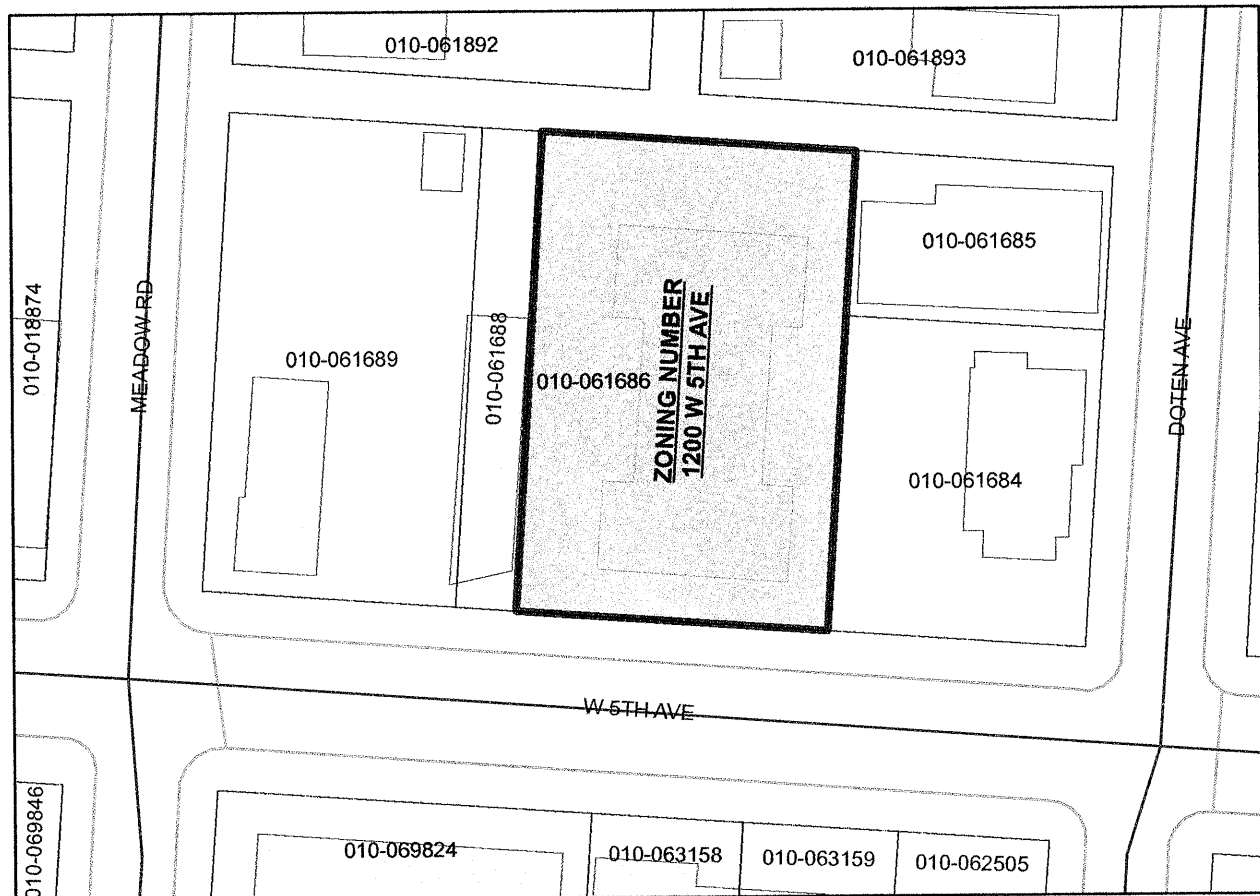
Street Name: W 5TH AVE

Lot Number: 9-10 PT E S 11 Subdivision: WEST VIEW

Requested By: GRABLE & COMPANY LLC (STEVEN R. MAUGER, CPM)

Issued By: Patricia A. Austin

Date: 4/29/2010



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

SCALE: 1 inch = 60 feet

GIS NOS FILE NUMBER: 3845

GENERAL WARRANTY DEED

(§§ 5302.05 and 5302.06 Ohio Revised Code)

Instr: 230202050033631 02/05/2002 2:58PM
Pages: 2 F: \$14.00 T20020015074
Robert G. Montgomery Franklin County Recorder NEPBUCLEKEY

CV10-013

KNOW ALL MEN BY THESE PRESENTS: That **1200 PROPERTIES**, an Ohio General Partnership, of Franklin County, Ohio, Grantor, for valuable consideration paid, grants, with general warranty covenants, to **1200 PROPERTIES LLC**, an Ohio Limited Liability Company, whose tax mailing address is c/o Commercial One Property Services, 1515 Bethel Road, Columbus, Ohio 43220 the following real property in the City of Columbus, County of Franklin and State of Ohio:

Being Lots Numbers Nine (9), Ten (10) and 19 feet off of the east side of Lot Number Eleven (11) of Bailey W. Gilfillan et al's West View Addition to said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 14, page 26, Recorder's Office, Franklin County, Ohio.

This deed is executed and delivered by Grantor and accepted by Grantee subject to all legal highways and subject to and with all restrictions, easements, conditions, limitations and reservations of record and to zoning restrictions which have been imposed thereon. Also, excepting all taxes and assessments, if any, prorated to the date hereof and after which Grantee assumes and agrees to pay.

Parcel No. 010-061686-00

Property Address: 1200 West Fifth Avenue
Columbus, Ohio 43212

Prior Instrument Reference: Official Records 01483F07, Recorder's Office
Franklin County, Ohio.

Executed before me on 4th day of February 2002, by Steven R. Mauger, Partner on behalf of 1200 Properties, an Ohio General Partnership, who, under penalty of perjury in violation of section 2921.11 of the Revised Code, represented to me to be said person.

Signed and Acknowledged
in the Presence of:

[Signature]
Signature of Witness

Robert J. Walter
Printed Name of Witness

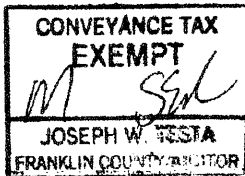
[Signature]
Signature of Witness

Deborah P. Walter
Printed Name of Witness

1200 PROPERTIES,
An Ohio General Partnership

By: [Signature]
Steven R. Mauger

Its: Partner

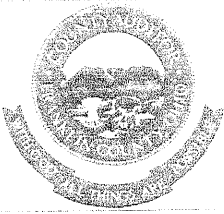


901549
TRANSFERRED

FEB 5 2002

JOSEPH W. TESTA
AUDITOR
FRANKLIN COUNTY, OHIO

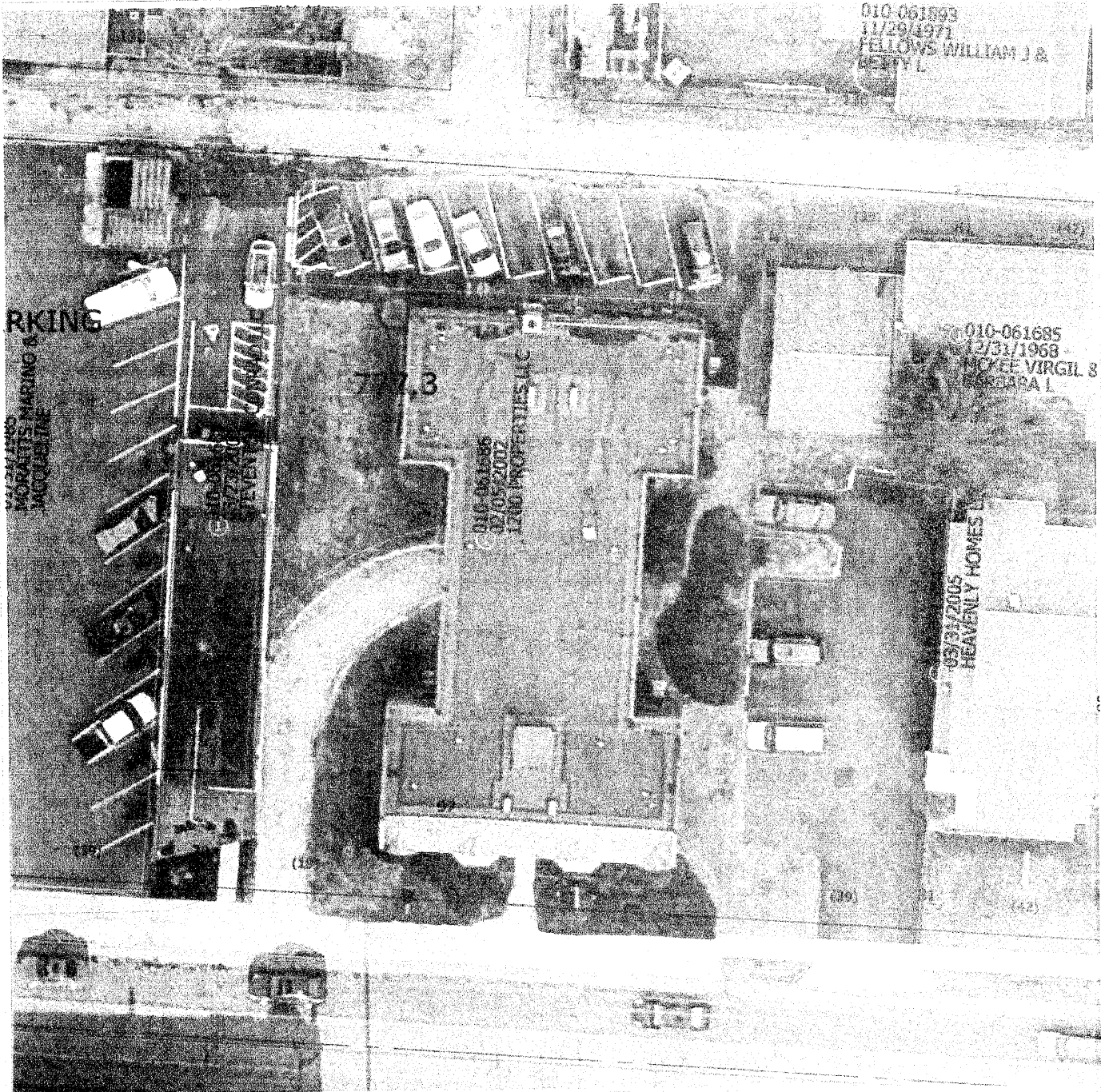
Cv10-013



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: s

DATE: 11/9/09



ORTHOPHOTOGRAPHY DATE 2008

Disclaimer

Scale = 30

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

CV10-013



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 4/23/10



Disclaimer

Scale = 77'



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

CV10-013

CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR

Report of parcels touching irregular area

DATE : APR 23, 2010

010-061684 * Owner: HEAVENLY HOMES LLC
Address: 1188 W FIFTH AV
Mail To: HEAVENLY HOMES LLC
: 3868 CHEVINGTON RD
: COLUMBUS OH 43220
: COLUMBUS OH 43220

010-061685 * Owner: MCKEE VIRGIL & BARBARA L
Address: 1481 DOTEN AV
Mail To: MCKEE VIRGIL &
: BARBARA L
: 1481 DOTEN AVE
: COLUMBUS OH 43212

010-061686 * Owner: 1200 PROPERTIES LLC
Address: 1200 W FIFTH AV
Mail To: KOHR ROYER GRIFFITH
: 1480 DUBLIN RD
: COLUMBUS OH 43215

010-061688 * Owner: STEVENTON CONRAD LLC
Address: 1208 W FIFTH AV
Mail To: STEVENTON CONRAD LLC
: 1208 W 5TH AVE
: COLUMBUS OH 43212

010-061689 * Owner: MORAITIS MARINO & JACQUELINE
Address: 1212 W FIFTH AV
Mail To: MORAITIS MARINO &
: JACQUELINE
: 3786 RIVERWATCH LN
: COLUMBUS OH 43221

010-061890 Owner: LAWSON GREG R ROSIER-LAWSON JENNETTE D
Address: 1508 MEADOW RD
Mail To: HUNTINGTON MORTGAGE CORP
: FIRST AMERICAN RE TAX SRV
: 1721 MOON LAKE BLVD #400
: HOFFMAN

010-061891 Owner: REINHART CHRISTINE G
Address: 1504 MEADOW RD
Mail To: CHRISTINE G REINHART
: 1504 MEADOW RD
: COLUMBUS OH 43212

CV10-013

CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR

Report of parcels touching irregular area

DATE : APR 23, 2010

010-061892 Owner: ROSEBROOK DARRIN J ROSEBROOK HILARY M
Address: 1498 MEADOW RD
Mail To: FIFTH THIRD CINCINNATI
 : 1721 MOON LAKE BLVD #400
 : HOFFMAN ESTATES, IL 60169

010-061893 Owner: FELLOWS WILLIAM J & BETTY L
Address: 1489 DOTEN AV
Mail To: BETTY LOU FELLOWS
 : 1489 DOTEN AVE
 : COLUMBUS OH 43212

010-061894 Owner: GREFKA MARY L
Address: 1495 DOTEN AV
Mail To: FREEDOM BANC
 : 325 CRAMER CREEK CT 205
 : DUBLIN OH 43017

010-061895 Owner: FREEMAN CONSTANCE L TOD
Address: 1499 DOTEN AV
Mail To: CONSTANCE L FREEMAN TOD
 : 1499 DOTEN AVE
 : COLUMBUS OH 43212

010-062505 * Owner: TREBONI LOUIS A & ANNA M
Address: W FIFTH AV
Mail To: ANNA Q TREBONI
 : 1177 W 5TH AVE
 : COLUMBUS OH 43212

010-063158 * Owner: DEMOND INVESTMENTS L L C
Address: 1195 W FIFTH AV
Mail To: DEMOND INVESTMENTS
 : 13436 WINCHESTER RD
 : ASHVILLE OH 43103

010-063159 * Owner: DEMOND INVESTMENTS L L C
Address: 1195 W FIFTH AV
Mail To: CAPITAL PHOTO
 : 13436 WINCHESTER RD
 : ASHVILLE OH 43103

CV10-013

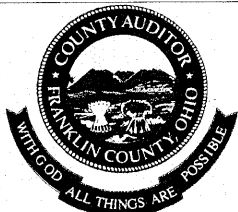
CLARENCE E. MINGO II
FRANKLIN COUNTY AUDITOR

Report of parcels touching irregular area

DATE : APR 23, 2010

010-069824 * Owner: MLICKI RONALD P & KAREN J
Address: 1209 -217W FIFTH AV
Mail To: KOHR ROYER GRIFFITH INC
: 1480 DUBLIN RD
: COLUMBUS, OH 43215

CV10-013



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S DATE: 4/23/10



Disclaimer

Scale = 100

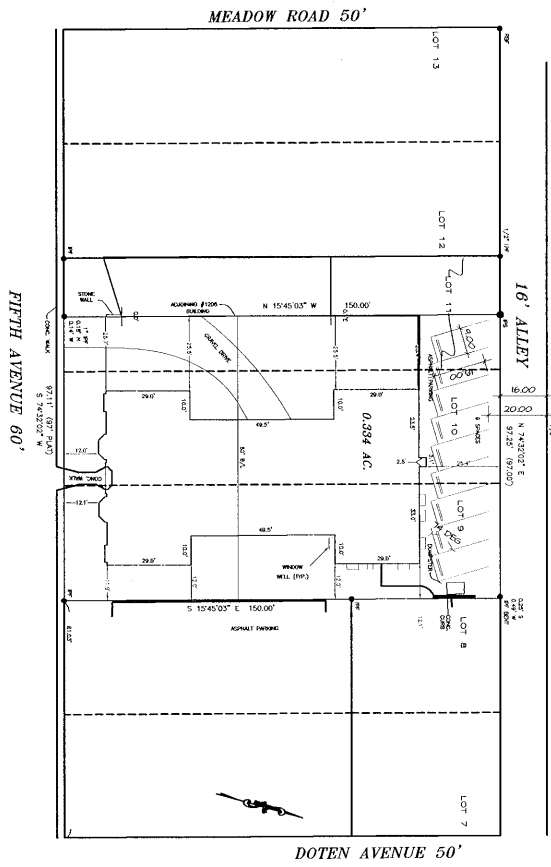
Grid North

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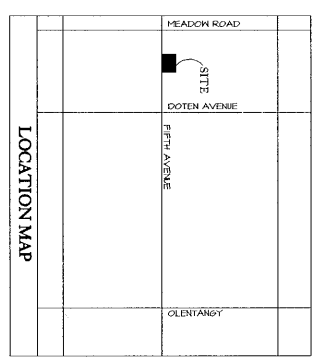
Real Estate / GIS Department

LEGEND

CV10-013



PROPOSED SITE PLAN
SCALE: 1"=20'

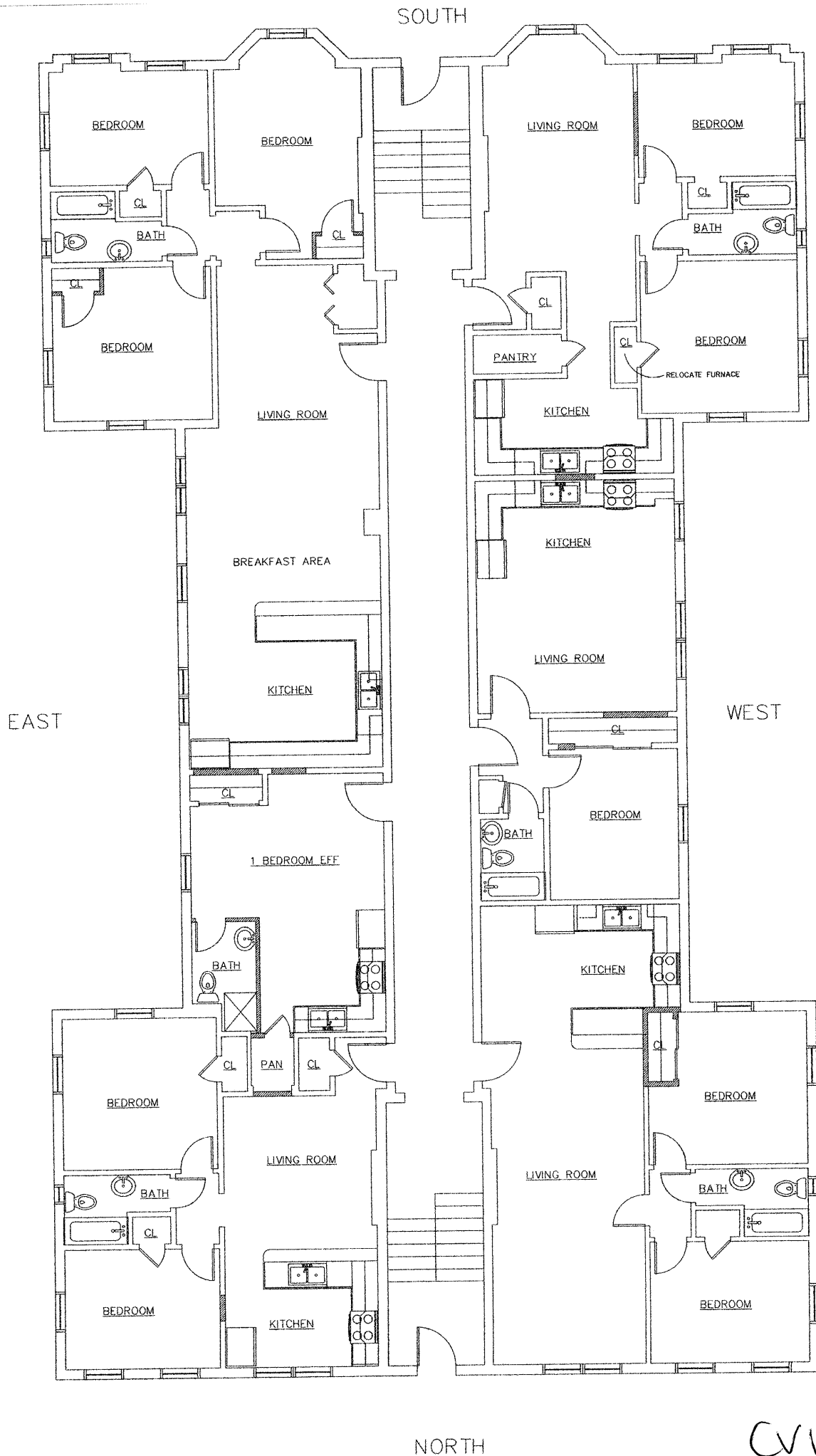


SITE DATA

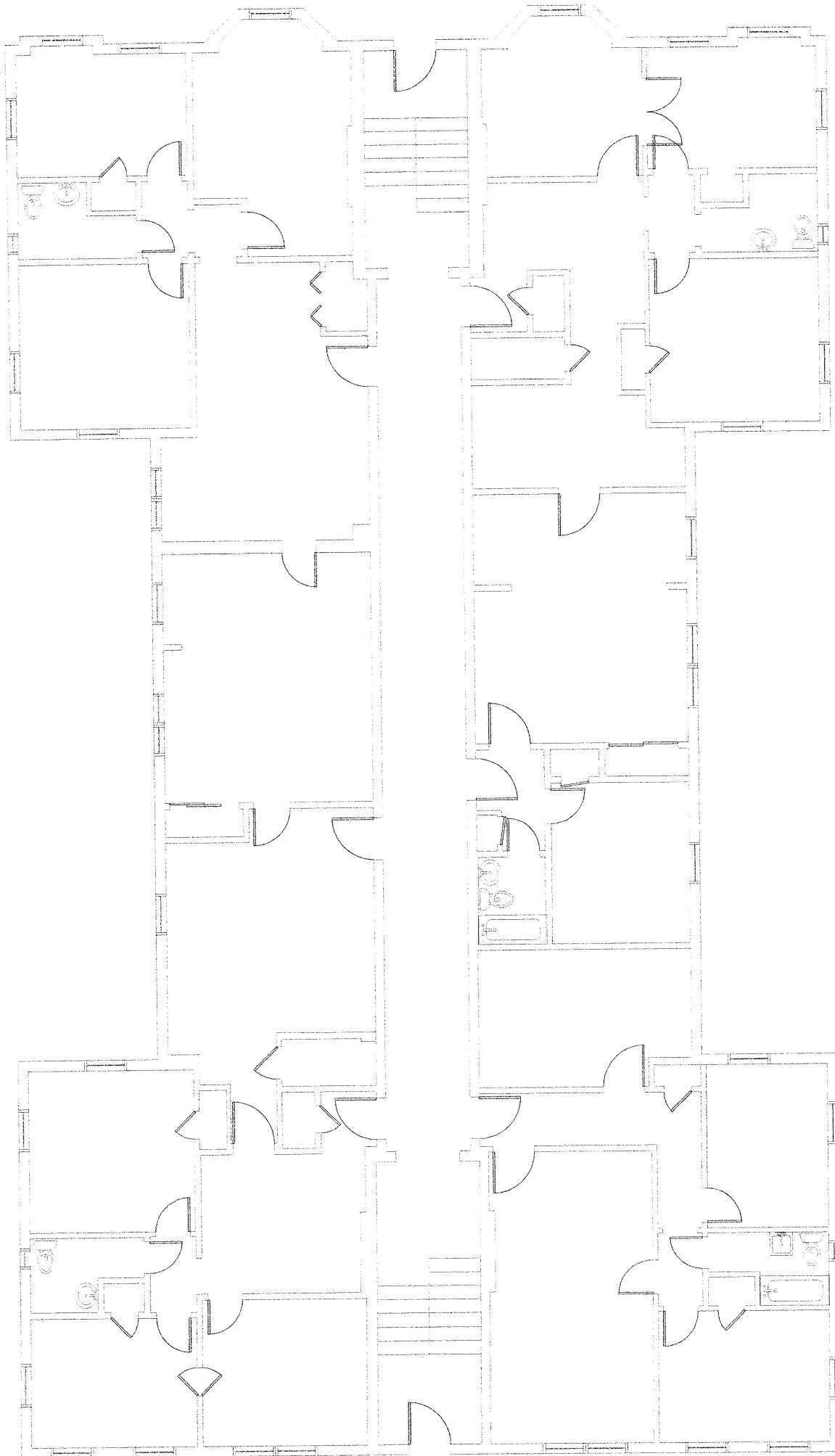
ADDRESS: 1200 W. FIFTH AVENUE
PID: 010061086-00
PROPERTY AREA: 14,566 SQ. FT.
FLOOD ZONE: X
EXISTING ZONING: C4
PROPOSED ZONING: C4
PROPOSED ZONING: C4

PARKING BREAKDOWN

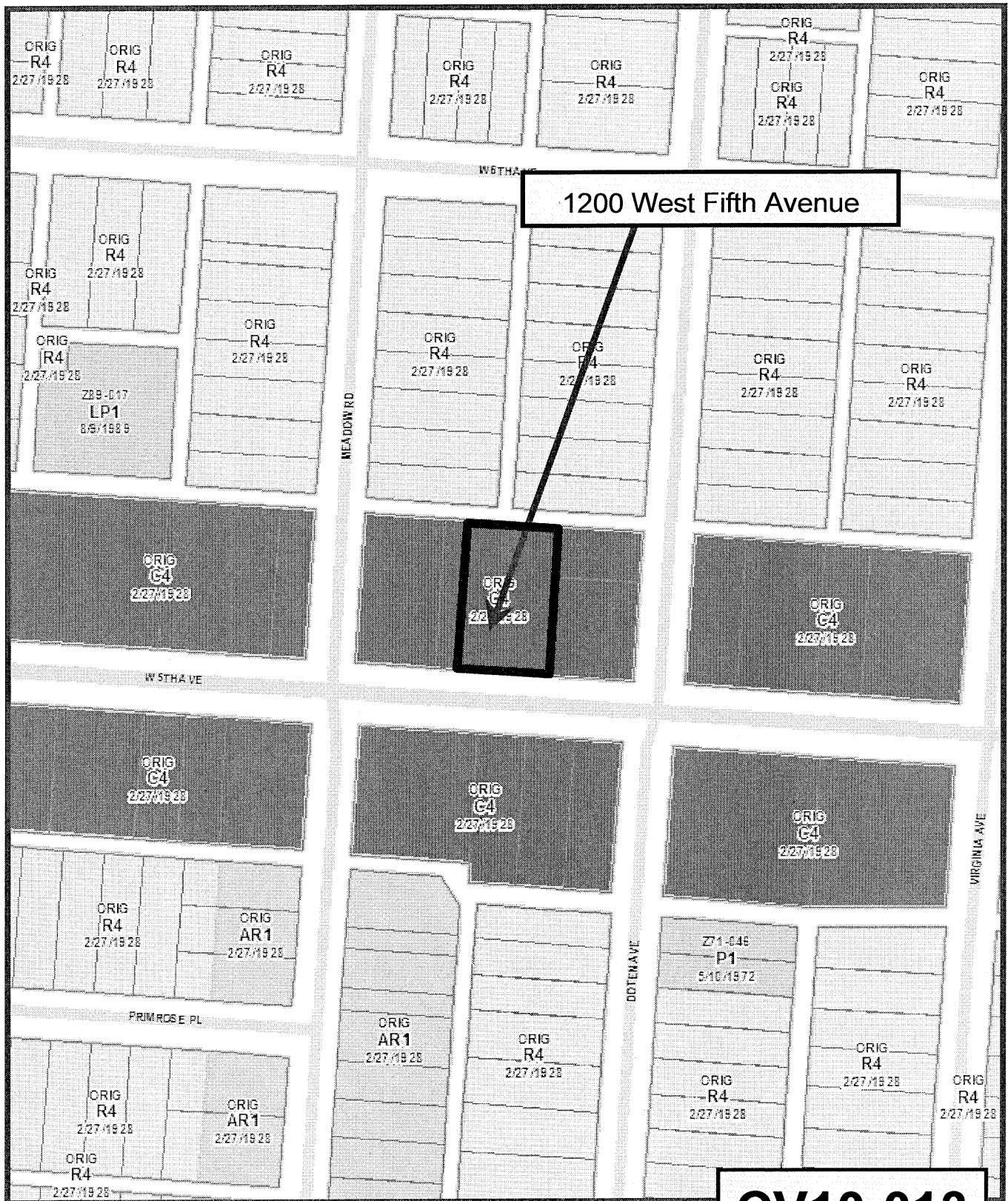
19 UNITS
20 PARKING SPACES REQUIRED, 4 PROVIDED



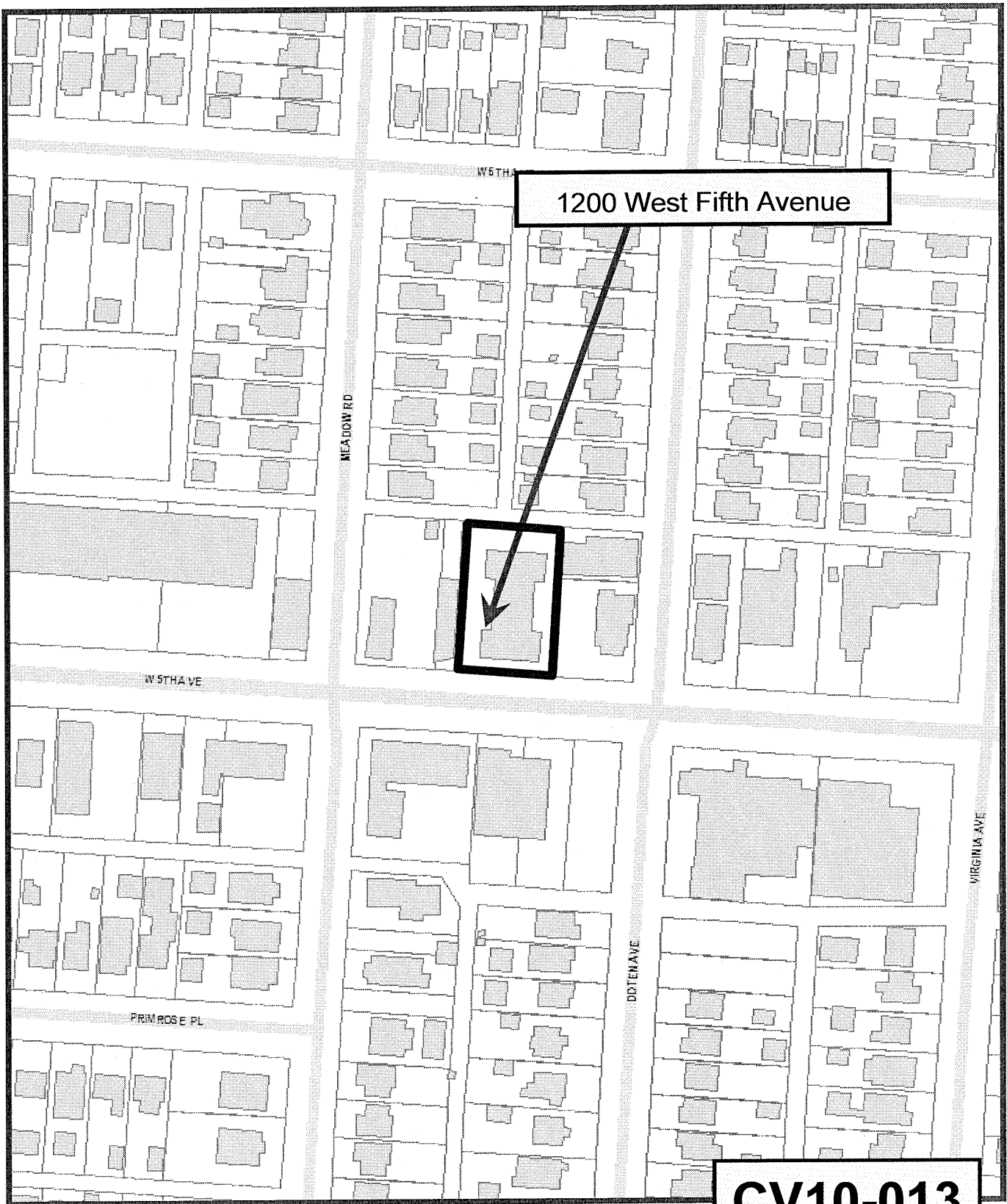
CV10-013



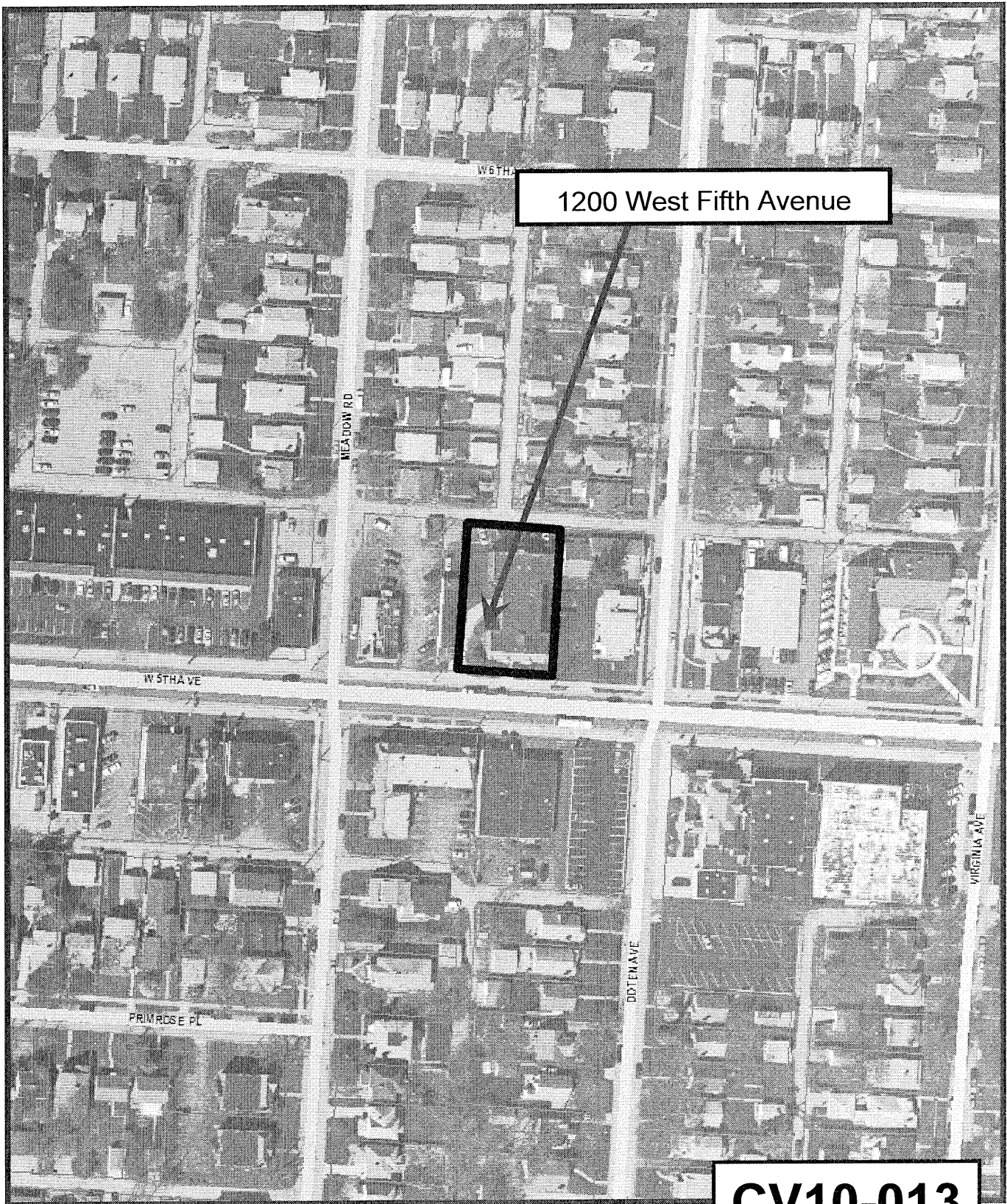
CV10-013



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1200 West Fifth Avenue

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