



Mayor Michael B. Coleman

COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

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

OFFICE USE ONLY

Application Number: CV11-023
Date Received: 7/26/11
Application Accepted By: DH Fee: \$945
Comments: Case Planner: Dana Hitt 645-2395 dahitt@columbus.gov

✓ LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 52 W 5TH AVE COLUMBUS OH Zip 43201

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: 010-020013

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

Current Zoning District(s): C4

Recognized Civic Association or Area Commission: University Commission

Proposed use or reason for Council Variance request: Conform Existing 3 families

Acreage: .13

APPLICANT: Name Mary P. Ruggieri Christina Smith
Address 52 W 5TH AVE City/State Columbus, OH Zip 43201
Phone # 614-278-0121 Fax # 614-235-6607 Email: SATNAM170@AOL.COM

PROPERTY OWNER(S): Name Mary P. Ruggieri Christina Smith
Address 52 W 5TH AVE City/State Columbus, OH Zip 43201
Phone # 614-778-0123 Fax # 614-235-9600 Email: SATNAM170@AOL.COM

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

ATTORNEY / AGENT

☐ Attorney ☐ Agent N/A

Name _____
Address _____ City/State _____ Zip _____
Phone # _____ Fax # _____ Email: _____

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Mary P. Ruggieri Christina Smith
PROPERTY OWNER SIGNATURE Mary P. Ruggieri
ATTORNEY / AGENT SIGNATURE N/A

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.
For all questions regarding this form and fees please call: 614-645-4522
Please make all checks payable to the Columbus City Treasurer



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: 010020013

Zoning Number: 52

Street Name: W 5TH AVE

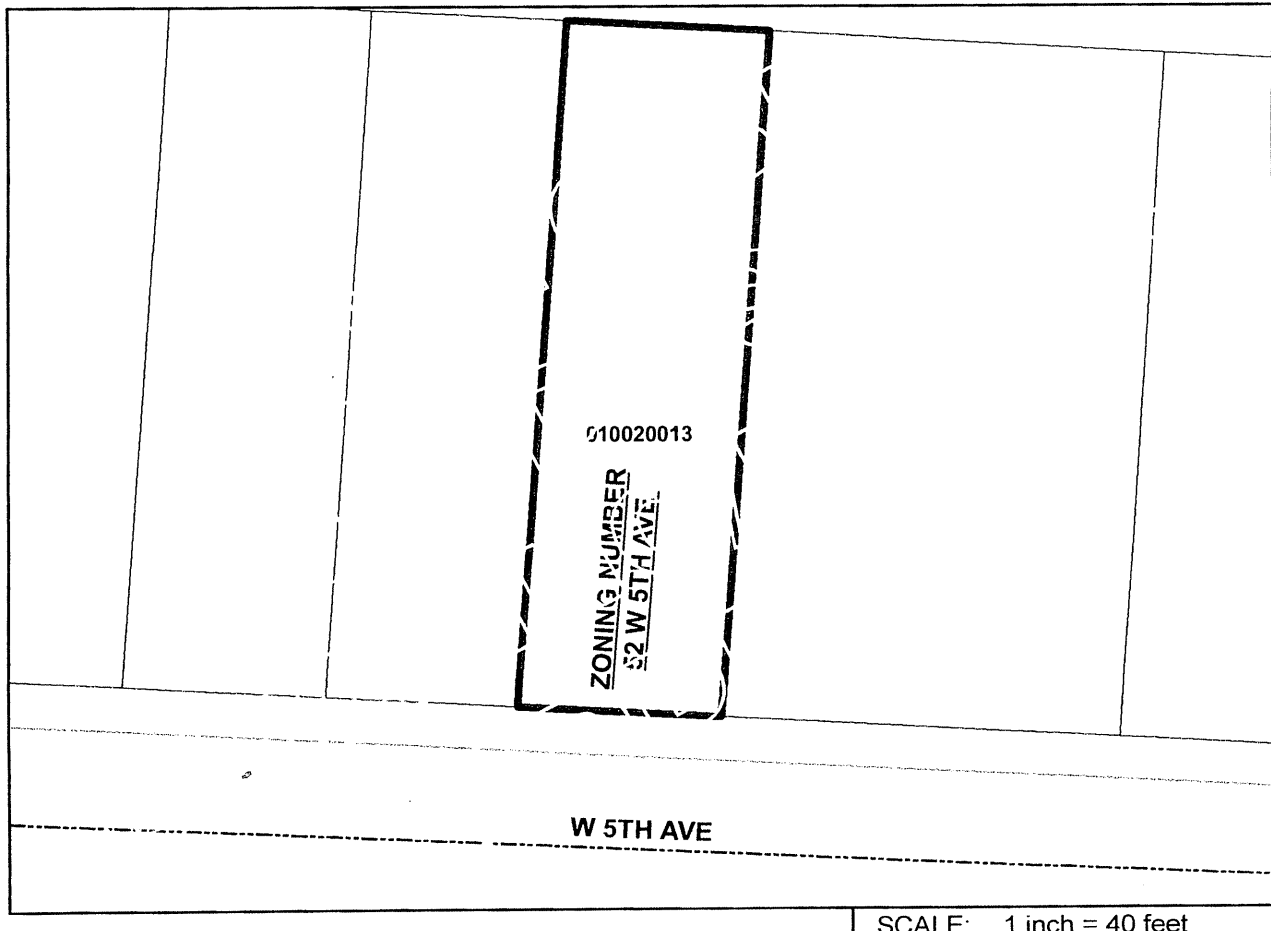
Lot Number: 11

Subdivision: DENNISON PLACE

Requested By: CHRISTINE S SMITHIES (OWNER)

Issued By: Adyana Amarion

Date: 7/21/2011



SCALE: 1 inch = 40 feet

GIS FILE NUMBER:



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



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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 Documents"

Signature of Applicant

Mary J. Ruggieri

Date

July 25, 2011

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Revised 02/14/11

Statement of Hardship

52 West Fifth is determined by the use of records as three family dwelling in a C4 zoning district non-conforming status. The attached property history report from building permit data designates the building as a three family dwelling since 1984.

52 West Fifth Ave has always been a residential, single to four family for 128 years and has not caused any problems in the area of Dennison Place. There is a large mix of residential homes in Dennison Place that have always been residential.

As a three family dwelling in the C4 district the property is regulated for non-conforming use and subject to the following provision in Chapter 3391 which states that a non-conforming building or structure damaged 50 percent or more would need a council variance to rebuild as an existing three family.

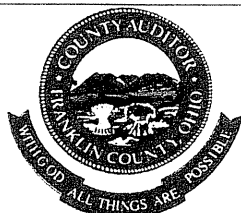
Redevelopment of the site, as a three family dwelling, would be permitted with a council variance changing the statue of the existing three family dwelling from a non-conforming use to a permitted conforming use in the C4 district.

Both C4 zoning restrictions will not allow for refinance of the 52 West Fifth Ave as an established residential dwelling without a variance. This makes it difficult for the property owners to make needed improvements.

Section 3356.03 that does not permit dwellings on a ground floor is a hardship for owners because all of the established residential homes in Dennison Place have ground floor dwellings.

Due to the above stated circumstances, the property owners kindly ask for a variance to continue the residential use of 52 West Fifth Ave.

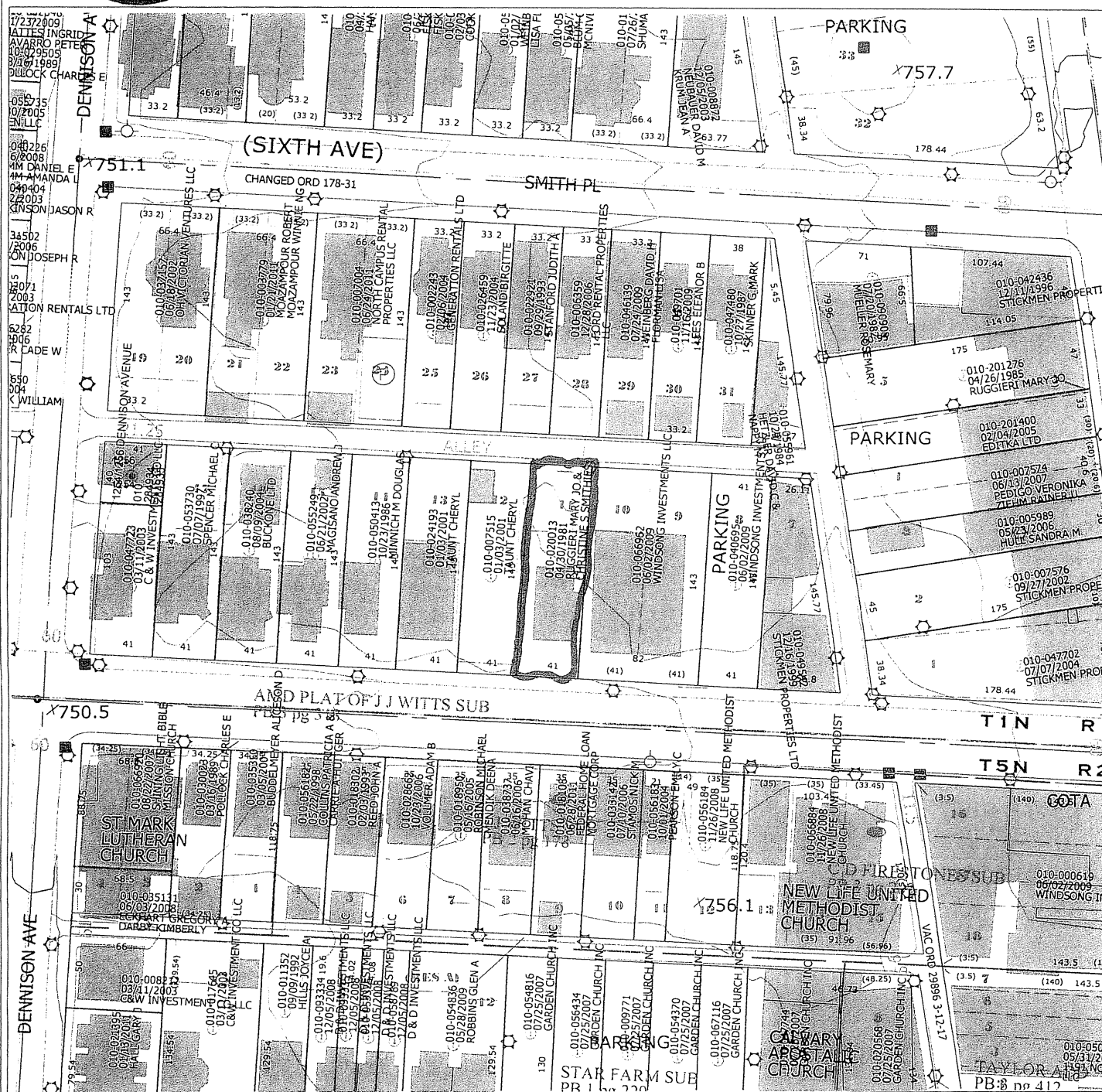
Thank you for your consideration.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 7/21/11



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



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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 # 1 CV11-023

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] MARY Jo RUGGIERI

Of [COMPLETE ADDRESS] 52 West 5TH AVE, Columbus, OH 43201
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 or individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

1. <u>Mary Jo Ruggieri Co-owner</u> <u>52 W. 5TH AVE</u> <u>COLUMBUS, OH 43201</u> <u>O 614-778-0121</u>	2.
3. <u>Christine Smellie Co-owner</u> <u>52 W. 5TH AVE</u> <u>COLUMBUS, OH 43201</u> <u>O 614-778-0123</u>	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 25th day of July, in the year 2011

SIGNATURE OF NOTARY PUBLIC Angela L Perkins

My Commission Expires: 6/14/2016

Notary Seal Here



Angela L Perkins
Notary Public, State of Ohio
My Commission Expires 6-14-2016

This Project Disclosure Statement is valid _____ after date of notarization.

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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV11-023

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME CHRISTINE S. SMITHIES
of (1) MAILING ADDRESS 52 WEST FIFTH AVE, COLUMBUS, OH 43201
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) per CERTIFIED ADDRESS FOR ZONING PURPOSES 52 West 5th Ave.
for which the application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building
and Zoning Services, on (3) 7/26/11
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) CHRISTINE S. SMITHIES
52 WEST FIFTH AVE
COLUMBUS, OH 43201

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

CHRISTINE S. SMITHIES
614-778-0121

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

(5) UNIVERSITY AREA COMMISSION
SUSAN KEENEY
358 KING AVE
COLUMBUS, OH 43201

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.

SIGNATURE OF AFFIANT

(8) Christine S. Smithies

Subscribed to me in my presence and before me this

25 day of July, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) Angela L Perkins
7-25-2011

My Commission Expires:

Notary Seal Here



Angela L Perkins
Notary Public, State of Ohio
My Commission Expires 6-14-2016

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Generation Rentals LTD
PO Box 10123
Columbus, OH 43201

John Reed
69 5th Ave
Columbus, OH 43201

Day Companies
Virginia Branham
22 E Gay St Ste 800
Columbus, OH 43215

Ford Rental Properties LLC
43 Smith Pl
Westlake, TX 76262

Robinson Michael Mendik Deena
2120 Riverside Dr
Columbus, OH 43201

Eleanor B Lees
33 Smith Pl
Columbus, OH 43201

North Campus Rental Properties LLC
10 E 17th Ave
Columbus, OH 43201

Windsong Investments LLC
PO Box 8309
Columbus, OH 43201

Douglas M Minnich
9386 US Highway 62
Orient, OH 43146

Cheryl Taunt
368 W 6th Ave
Columbus, OH 43201

David Weinberg
37 Smith Pl
Columbus, OH 43201

Indymac MTG SRV (Onewest)
Corelogic
2500 Westfield DR STE 102
Elgin, IL 60124

Federal Home Loan Mortgage Corp
1410 Spring Hill Rd
McLean, VA 22102

Mark Skinner
29-31 Smith Pl
Columbus, OH 43201

Judith A Stanford
3680 Dublin Rd
Columbus, OH 43221

Birgitte Soland
53 Smith Pl
Columbus, OH 43201

Adam Vollmer
61-63 W Fifth Ave
Columbus, OH 43201

Nick Stamos
47-49 W Fifth Ave
Columbus, OH 43201

Chavi Mohan
53- 55 Fifth Ave
Columbus, OH 43201

David C Hetzler
Nappy M Hetzler
1645 Ridgeway Pl
Columbus, OH 43212

Emily C Pearson
41 W Fifth Ave
Columbus, OH 43201

Applicant
Mary Jo Ruggieri
52 W 5th Ave
Columbus, OH 43201

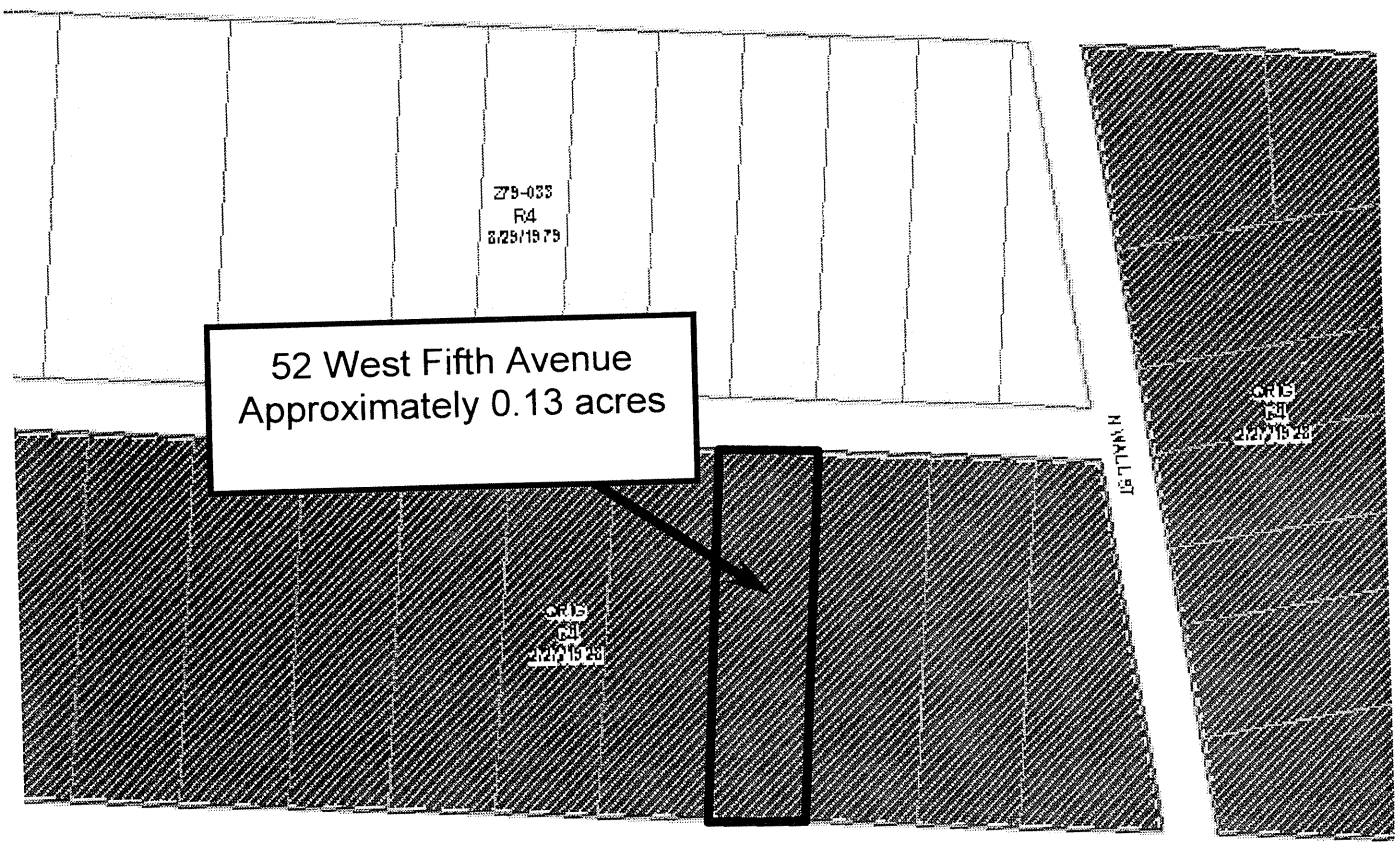
Applicant
Christine Smithies
52 W 5th Ave
Columbus, OH 43201

University Area Commission
Susan Keeney
358 King Ave
Columbus, OH 43201

279-033
R4
8/25/1979

279-033
R4
8/25/1979

SWTH P1



52 West Fifth Avenue
Approximately 0.13 acres

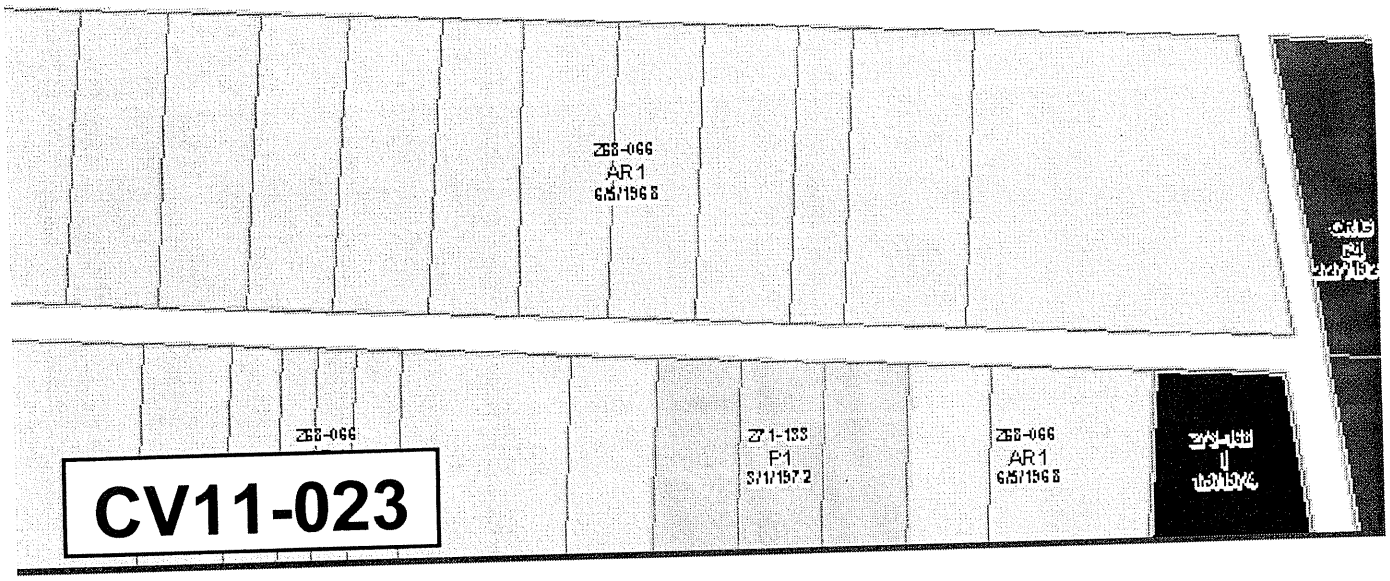
279-033
R4
8/25/1979

279-033
R4
8/25/1979

279-033
R4
8/25/1979

N WALL ST

WEST AVE



CV11-023

268-066
AR1
6/5/1968

279-033
R4
8/25/1979

268-066

271-133
P1
5/1/1972

268-066
AR1
6/5/1968

279-033
R4
8/25/1979

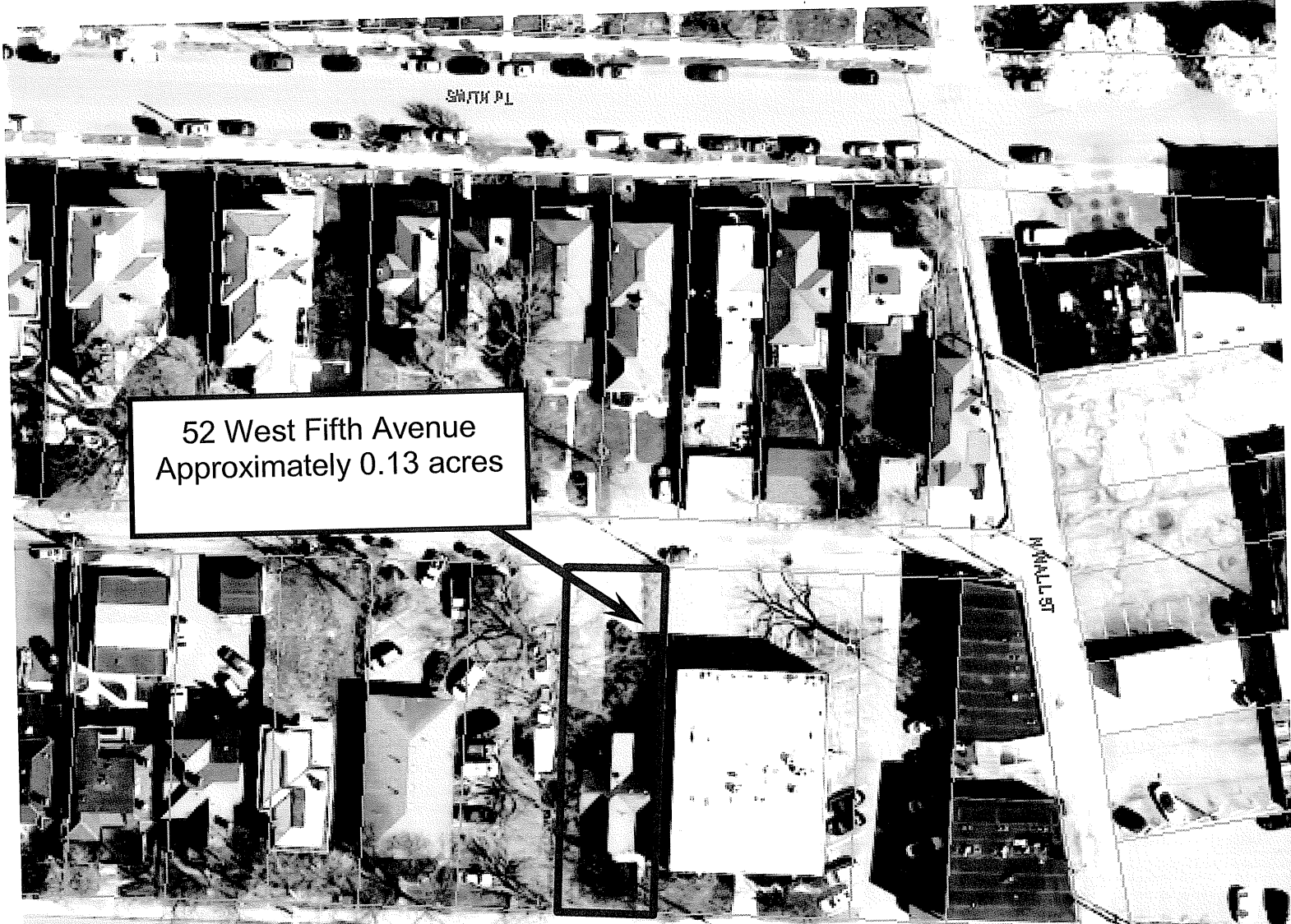
SMITH PL

52 West Fifth Avenue
Approximately 0.13 acres

N WALL ST

WEST AVE

CV11-023



52 West Fifth Avenue
Approximately 0.13 acres

W 5TH AVE

CV11-023