

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

	Application Number: (CV13-028/13315-00000 - 00446				
OFFICE USE ONLY	Date Received: U/27/13				
	Application Accepted By: 5.9. Fee: 1760				
HCE	Comments: ASSIGNED to Shanon Pine, 645-2208, spine @) columbus.go				
NO.					
	Location and zoning request:				
	Certified Address (for Zoning Purposes) 965 West Fifth Ave and 1015 West Fifth Ave Zip				
	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: 010-061577 and 010-0118402				
	Check here if listing additional parcel numbers on a separate page.				
	Current Zoning District(s): M-Manufacturing				
	Civic Association or Area Commission: 5th by Northwest Area Commission				
	Proposed use or reason for Council Variance request: Mixed use retail, restaurant and multifamily dwelling units				
	Acreage: 1.531 acres and 0.361 acres				
	APPLICANT: Name JSDI 5th AVE ASSOCIATES LLC				
	Address 470 Olde Worthington Road Suite 200 City/State Westerville Zip 43082				
	Phone # 614-985-6511 Fax # 614-985-6577 Email: jsolove@solove.com				
	O and to the second Library Inc.				
	PROPERTY OWNER(S): Name Centro Inc. and HighPearl Inc.				
	Address 3363 Tremont Road, Suite 305 City/State Columbus, OH Zip 43221				
	Phone # 614-241-2154 Fax # 614-220-8825 Email: jbibbo@columbus .rr.com				
	Check here if listing additional property owners on a separate page.				
	ATTORNEY / AGENT Attorney Agent				
	Name James Maniace				
	Address 65 East State Street, Suite 1000, City/State Columbus, OH Zip 43215				
	Phone # 614-221-4000 Fax # 614-221-2007 Email: jmaniace@taftlaw.com				
	SIGNATURES (ALL SIGNATURES MUST BE SIGNEDYN BLUE DK) \				
	leave & the White				
	APPLICANT SIGNATURE				
	PROPERTY OWNER SIGNATURE THE WASHINGTON ON THE STORY OF THE STORY OWNER SIGNATURE THE STORY OF THE STORY OWNER SIGNATURE S				
	ATTORNEY / AGENT SIGNATURED V				
	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.				



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CV13-02-8

#### 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:  PLEASE SEE ATTACHED STATEMENT.				
Signature of Applicant	prone S. Johne Dathrije of july Date June 26, 2013			

#### CV13-028 STATEMENT OF HARDSHIP

The applicant is a ground lessor/developer of a mixed use retail, restaurant and multi-family dwelling unit development. The proposed development is the first step in catalyzing the fulfillment of the 5<sup>th</sup> by Northwest District's Area Plan, which calls for dense, mixed use development, with larger projects containing on-site parking structures. The subject property is zoned M, a use classification which permits C-1, C-2, C-3 and C-4 uses, which uses include multi-family rental dwelling units above commercial uses. Unfortunately, the relevant Columbus City Code provision, 3363.01 also contains language which can be interpreted as limiting dwelling units to those for a resident security person; or units within a half-way house or community residential treatment center, a hospital, or other building specifically for human care. City staff has chosen to interpret 3363.01 in the most restrictive manner against the use of the property. Although the applicant believes the City's interpretation is not consistent with the legal rule of construction that in instances of ambiguity, zoning restrictions are to be interpreted in the most permissive manner, the applicant respects the staff's difficult position in interpreting the inartfully drafted provision.

Applicant's hardship is that without a use variance, the private and public benefits of achieving the vision of the 5<sup>th</sup> by Northwest District's Area Plan is not possible. Almost all of the properties along the W. 5<sup>th</sup> Avenue corridor share the M classification and would share the similar disability to achieve the vision. The applicant meets all area and development standards applicable to the site. Therefore, the applicant requests a variance to permit unrestricted multifamily rental dwelling units to be permitted above commercial uses in the M District.



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31. 11. N. 1

AFFIDAVIT		
(See next page for inst	ructions)	
		APPLICATION# (U13-028)
STATE OF OHIO		
COUNTY OF FRANK	LIN	
Being first duly caution	ed and sworn (1) NAME Jeror	me G. Solove
of (1) MAILING ADDI	RESS 470 Olde Worthington	Road, Suite 200, Westerville, OH 43082
		at, agent, or duly authorized attorney for same and the following is a
		all the owners of record of the property located at
for which the application	n for a rezoning variance speci	OSES 965 West Fifth Ave and 1015 West Fifth Ave ial permit or graphics plan was filed with the Department of Building
and Zoning Services, or	$\omega(3)$	7113
3	(T	HISLINE TO BE FILLED OUT BY CITY STAFF)
SUBJECT PROPERTY	OWNERS NAME	(4) Centro Inc.
AND MAILING ADDR		Highpearl Inc.
		3363 Tremont Road, Suite 305
		Columbus Ohio 43221
A DDI TO A NUTSO NI A NAT	AND DUONE #	JSDI 5th Ave Associates LLC
APPLICANT'S NAME (same as listed on front		(614) 985-6511
(same as nated on front	or application)	
AREA COMMISSION	OR CIVIC GROUP	(5) 5th by Northwest Area Commission
AREA COMMISSION		Rebecca Obester, 1802 Kings Court, Unit C
CONTACT PERSON A	AND ADDRESS	_Columbus, OH_43212
		f the names and complete mailing addresses, including zip codes, a
		ax List or the County Treasurer's Mailing List, of all the owners of erior boundaries of the property for which the application was filed, and
		feet of the applicant's or owner's property in the event the applicant o
the property ov	wner owns the property contiguo	ous to the subject property(7)
(7) Check here if lis	ting additional property owners	on a separate page.
GIONIATURE OF A PELA	) (T)	a lengua di deline
SIGNATURE OF AFFIA		(8) forme 13 source
Subscribed to me in my p	presence and before me this <u></u>	tay of June, in the year 2013
SIGNATURE OF NOTA	RY PUBLIC	(8) May J. Van. Rue
My Commission Expires:		- 3/18/2017
	AAADA E MAANADA	
Notary Seal Here	MARY F. VANKIRI	
	Notary Public, State of	
	My Commission Expires 93	484917

CV13-028
AFFIDAVIT ATTACHMENT

#### AREA COMMISSION CHAIR

Rebecca Obester's (information continued)

Email: rebecca2305\_1@hotmail.com

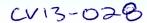
#### AREA COMMISSION ZONING CHAIR

Bruce McKibben 1094 Lincoln Road Columbus, OH 43212 Telephone: 614-488-6137

Email: thestylingnook@sbcglobal.net







APPLICANT

JSDI 5<sup>TH</sup> AVE ASSOCIATES LLC 470 OLDE WORTHINGTON ROAD SUITE 200 WESTERVILLE OH 43082 PROPERTY OWNER

CENTRO INC HIGHPEARL INC. 3363 TREMONT ROAD SUITE 305 COLUMBUS OH 43221 **ATTORNEY** 

JAMES V. MANIACE TAFT STETTINIUS & HOLLISTER LLP 65 E STATE ST SUITE 1000 COLUMBUS OH 43215

AREA COMMISSION CHAIR

REBECCA OBESTER 1802 KINGS COURT UNIT C COLUMBUS OH 43212 AREA COMM. ZONING CHAIR

BRUCE MCKIBBEN 1094 LINCOLN ROAD COLUMBUS OH 43212

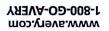
#### SURROUNDING PROPERTY OWNERS

1404 HOLLY LTD 7051 COFFMAN ROAD DUBLIN OH 43017 FIFTH AVENUE DESIGN CENTER LLC 4844 ADELE CT WOODLAND HILLS CA 91364 GRANDVIEW 1341 LLC 536 S WALL ST SUITE 300 COLUMBUS OH 43215

GRIMESBACH PROPERTIES LTD 1390 HOLLY AVE COLUMBUS OH 43212 JSDI HOLLY AVE ASSOCIATES LLC 65 E. STATE ST SUITE 1000 COLUMBUS OH 43215 MARY JOSEPH PROPERTIES 1132 W THIRD AVE COLUMBUS OH 43212

RTR OF COLUMBUS LTD 1356 NORTON AVE COLUMBUS OH 43212 SHOPPES LLC 1480 DUBLIN RD COLUMBUS OH 43215 B E T INVESTMENTS LLC 20 NORTH ST DUBLIN OH 43017

SUZANNE W BLOCK 4857 SMOKETALK LANE WESTERVILLE OH 43081







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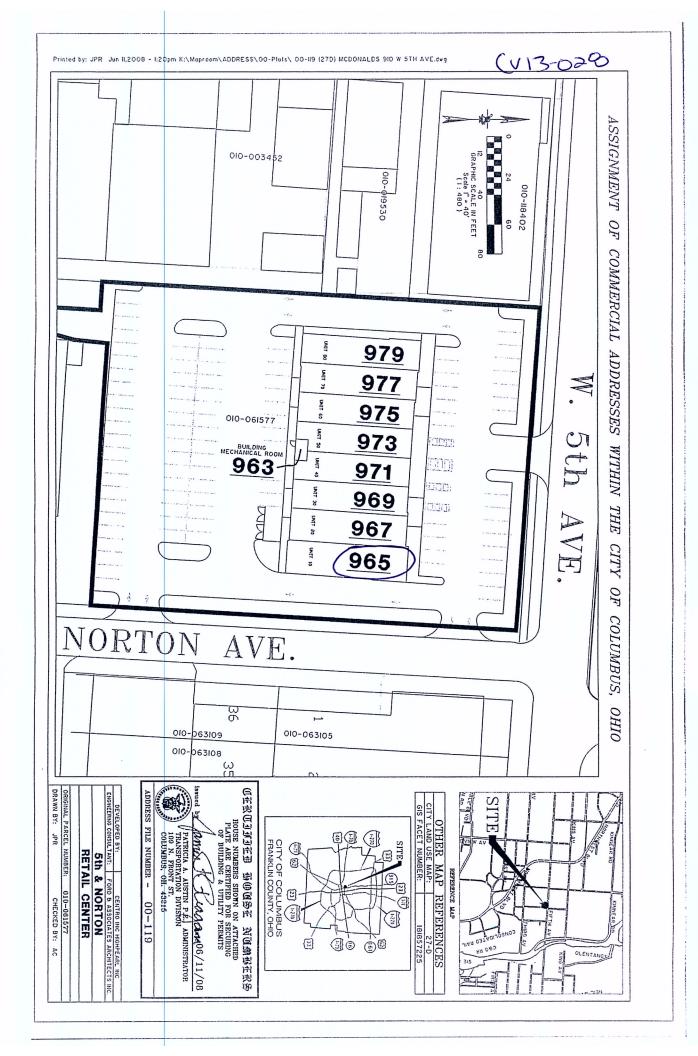
## PROJECT DISCLOSURE STATEMENT

FILLED OUT COMPLETELY AND NOTAL	RIZED. Do not indicate 'NONE' in the space provided.
	APPLICATION# CUIZ-U2-8
STATE OF OHIO COUNTY OF FRANKLIN	
Being first duly cautioned and sworn [NAME	Jerome G. Solove
deposes and states that [he/she] is the APPI FOR SAME and the following is a list of al	rthington Road Suite 200, Westerville, Ohio 43082 LICANT, AGENT or DULY AUTHORIZED ATTORNEY Il persons, other partnerships, corporations or entities having 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, Sate, Zip Number of Columbus based employees Contact name and number
1. Centro, Inc.	2. Highpearl, Inc.
3363 Tremont Road, Suite 305 Columbus, Ohio 43221	3363 Tremont Road, Suite 305 Columbus, Ohio 43221
3.	4.
Check here if listing additional parties on a	saparata maa
SIGNATURE OF AFFIANT Subscribed to me in my presence and before me this SIGNATURE OF NOTARY PUBLIC My Commission Expires:	e S. Laline
Notary Seal Here Notary Public, State of My Commission Expires 03	f Ohio
This Project Disclosure Statement expires six month	is after date of notarization.

PLEASE NOTE: incomplete information will result in the rejection of this submittal.

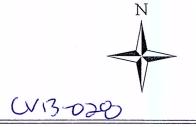
Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make 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: 010118402

Zoning Number: 1015

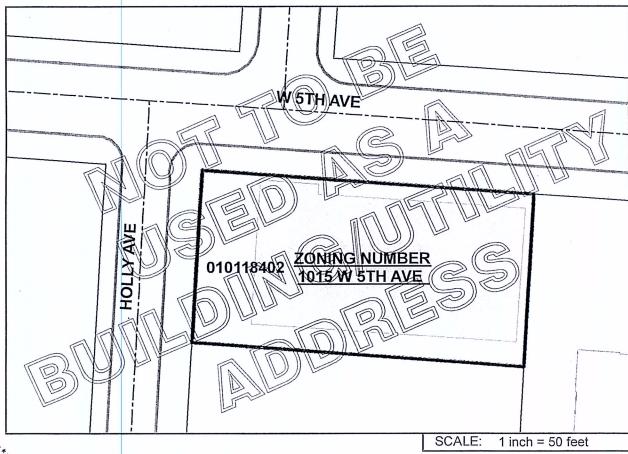
**Street Name: W 5TH AVE** 

Lot Number: N/A

Subdivision: N/A

Requested By: TAFT STETTINIUS & HOLLISTER LLP(ELIZABETH McCARTY)

Issued By: Uduana umariam Date: 6/7/2013



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

GIS FILE NUMBER: 13786

CV13-028

#### LEGAL DESCRIPTION FOR 965 WEST FIFTH AVENUE 1.531 ACRES

Industrial Ceramic Products, Inc.

Real Estate in Franklin County, City of Columbus, being a parcel of land out of the 6.7475 acre tract formerly owned by Catherine Murphy, lying south of West Fifth Avenue and being part of Half Section No. 6, Township No. 5, Range No. 22, Refugee Lands,

Said tract being a more particular description of six (6) parcels of land combined to make the 1.633 acre tract herein descried, being known this date as Industrial Ceramic Products, Inc. Said surveyed tract being comprised of those six (6) parcels described as:

- 1. Official Record Volume 17560, page 119
- 2. Deed Book 1445, page 306
- 3. Deed Book 1052, page 15
- 4. Deed Book 1275, page 531
- 5. Deed Book 1147, page 10
- 6. Deed Book 1288, page 61, Franklin County Records,

Beginning for reference at the intersection of the west line of the Kathryn Murphy 6.7475 acre tract with the south marginal line of West Fifth Avenue (60 feet wide);

Thence with the south marginal line of West Fifth Avenue, South 89 degrees 13 minutes 00 seconds East (reference bearing), 220.02 feet to a found three-fourths (3/4) inch diameter iron pipe at the northeast corner of a twenty (20) foot wide tract, said tract previously a Hocking Valley Railway Company right-of-way, and being the true place of beginning of the herein described tract;

Thence continuing with the south marginal line of West Fifth Avenue, South 89 degrees 13 minutes 00 seconds East, 201.33 feet to a set p.k. nail at the intersection of the south marginal line of said West Fifth Avenue with the west marginal line of Norton Avenue (50 feet wide),

Thence with the west marginal line of said Norton Avenue, South 00 degrees 08 minutes 35 seconds East, 115.00 feet to a set iron pipe;

Thence North 89 degrees 51 minutes 25 seconds East, 25.00 feet to a set pony spike in the centerline of said Norton Avenue;

Thence with the centerline of said Norton Avenue, South 00 degrees 08 minutes 35 seconds East, 177.53 feet to a pony spike set on the northeasterly corner of a 1.147

acre tract (Parcel No. 1) of land owned by Fournier Rubber and Supply Company (Deed Book 3513, page 808);

Thence with the north line of said Fournier Rubber and Supply Company 1.147 acre tract, South 89 degrees 51 minutes 25 seconds West, 203.35 feet to a found one-half (1/2) inch diameter iron pipe (passing a found one (1) inch diameter iron pipe at 24.98 feet);

Thence with a westerly line of said Fournier Rubber and Supply Company 1.147 acre tract, South 07 degrees 25 minutes 25 seconds West, 26.95 feet to a set iron pipe;

Thence with a westerly line of said Fournier Rubber and Supply Company 1.147 acre tract, South 11 degrees 48 minutes 25 seconds West, 93.88 feet to a set iron pipe in the easterly right-of-way of the aforesaid old railroad right-of-way;

Thence with the easterly right-of-way of the old railroad, North 00 degrees 08 minutes 35 seconds West, 113.02 feet to a set iron pipe;

Thence South 89 degrees 51 minutes 25 seconds West, 20.00 feet to a found one-half (1/2) inch diameter iron pipe in the westerly right-of-way of the old railroad;

Thence with the westerly right-of-way of the old railroad, North 00 degrees 08 minutes 35 seconds West, 301.65 feet to a set iron pipe at the northwest corner of the old railroad right-of-way, being in the south marginal line of said West Fifth Avenue;

Thence with the south marginal line of said West Fifth Avenue, South 89 degrees 13 minutes 00 seconds East, 20.04 feet to the place of beginning.

Bearing (South 89 degrees 13 minutes 00 seconds East) assured from Franklin County Deed Book 1052, page 15, which is one of the tracts of this survey.

The tract's described from an actual field survey performed on or about January 7, 1999, by James A. Page (S-6034), of Page Engineering, Inc., Marysville, Ohio, contains 1.633 acres, more or less, EXCEPTING 0.102 acre dedicated for Norton Avenue right-of-way, leaving a balance of 1.531 acres, subject to all previous easements and rights-of-way of record, including those described in Franklin County Official Records Vol. 2414, page 72, Official Records Vol. 1456, page 579; Official Records Vol. 1127, page 346 and Deed Volume 1049, page 628, Deed Volume 1004, page 431. All iron pipes set are 3/4" x 30" galvanized iron pipe with yellow survey caps stamped S-6034. The survey is recorded in the office of the Franklin County Engineer.

#### LESS AND EXCEPTING THEREFROM:

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

Real estate situated in Franklin County, City of Columbus, Ohio, being a parcel of land out of the 6.7475 acre tract formerly owned by Catherine Murphy, lying south of West Fifth Avenue, and being part of the Half section NO. 6, Township 5, Range No. 22, Refugee Lands;

Said tract being part of a more particular description of six (6) parcels of land combined to make the 1.633 acre tract, being known as Industrial Ceramic Products, Inc. Said surveyed tract being comprised of these six (6) parcels described in:

- 1. Official Record Volume 17560, page 119
- 2 Deed Book 1445, page 306
- 3. Deed Book1052, page 15
- 4. Deed Book 1272, page 531
- 5. Deed Book1147, page 10
- 6. Deed Book, 1288, page 61, Franklin County records;

Said 0.102 acre tract more particularly described as follows:

Beginning for reference at a set p.k. nail at the intersection of the south marginal line of said West Fifth Avenue with the west marginal line of Norton Avenue (50 feet wide);

Thence with the west marginal lien of said Norton avenue, South 00 degrees 08 minutes 35 seconds East, 115.00 feet to a set iron pipe being the true place of beginning;

Thence North 89 degrees 51 minutes 25 seconds East, 25.00 feet to a set pony spike in the centerline of Norton Avenue;

Thence with the centerline of Norton Avenue, South 00 degrees 08 minutes 35 seconds East, 177.53 feet to a set pony spike;

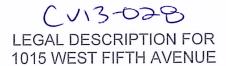
Thence South 89 degrees 51 minutes 25 seconds West, 25.00 feet to a point (passing a found iron pipe at 24.98 feet);

Thence North 00 degrees 08 minutes 35 seconds West, 177.53 feet to the true place of beginning.

Bearing (South 00 degrees 08 minutes 35 seconds East) assumed from Franklin County Deed Book 1052, page 15, which is one of the tracts of this survey.

The tract as described from an actual field survey performed on or about January 7, 2000, by James A. Page (S-6034) of Page Engineering, Inc., Marysville, Ohio, contains 0.102 acre, more or less, subject to all previous easements and rights-of-way of record. All iron pipes set are 3/4" X 30" galvanized iron pipe with yellow survey caps stamped S-6034. The survey is recorded in the office of the Franklin County Engineer.

James A. Page, PS S-6034 January 24. 2000 (Norton Avenue Right-of-Way) JN 98-114



Situated in the State of Ohio, the County of Franklin and in the City of Columbus, and being part of Half Section 6, Township 5, Range 22, Refugee Lands and being more particularly described as follows:

Beginning at an iron pin at the intersection of the Southerly line of West Fifth Avenue (60 feet in width) with the Easterly line of Holly Avenue (50 feet in width) the same point being the Northeasterly corner of that certain 25 foot strip conveyed to the City of Columbus by deed of record in Deed Book 1507, Page 399, thence from said point of beginning and in an Easterly direction and along the Southerly line of West Fifth Avenue, a distance of 175.10 feet to an iron pin; Thence in a Southerly direction a distance of 90 feet to an iron pin, same iron pin being Easterly a distance of 175.05 feet from the Easterly line of Holly Avenue as measured along a line parallel to the Southerly line of West Fifth Avenue; Thence in a Westerly direction and parallel to the Southerly line of West Fifth Avenue and passing a spike on line at 49.63 feet, a distance of 175.05 feet to a spike in the Easterly line of Holly Avenue and in the Easterly line of that certain 25 foot strip conveyed to the City of Columbus, aforementioned; Thence in a Northerly direction and along the Easterly line of Holly Avenue and the Easterly line of the aforementioned 25 foot strip a distance of 90 feet to the point of beginning and containing 0.361 acres, more or less, subject however to an easement 8.0 feet in width along the Southerly line of the above described and extending Easterly a distance of 125.42 feet from the Easterly line of Holly Avenue for the purpose of joint ingress and egress by Grantee and Grantor alike; together with the right of an easement 8.0 feet in width Southerly from the Southerly line of the above described and extending Easterly a distance of 125.42 feet from the easterly line of Holly Avenue for the purpose of ingress and egress and to be used jointly by Grantee and Grantor.

CV13-028

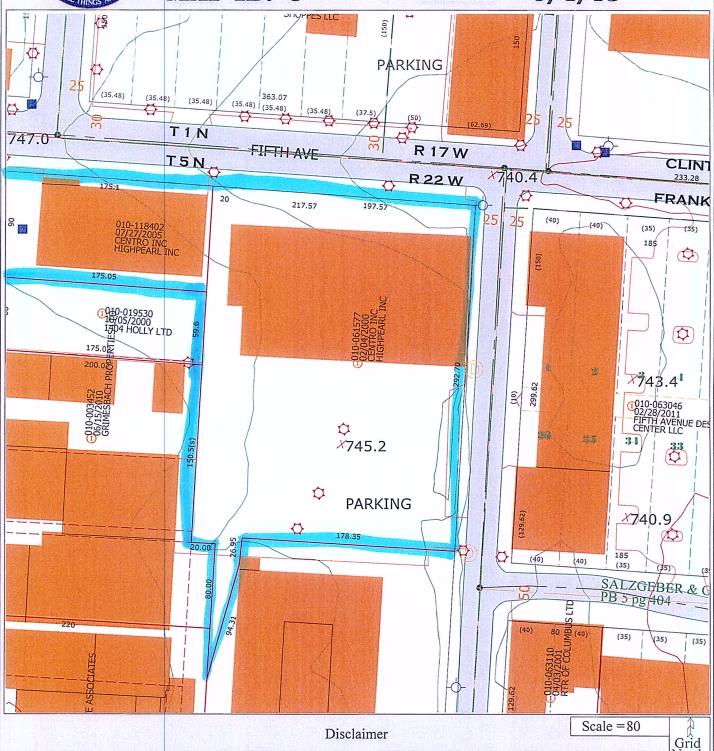


# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C

DATE:

6/4/13



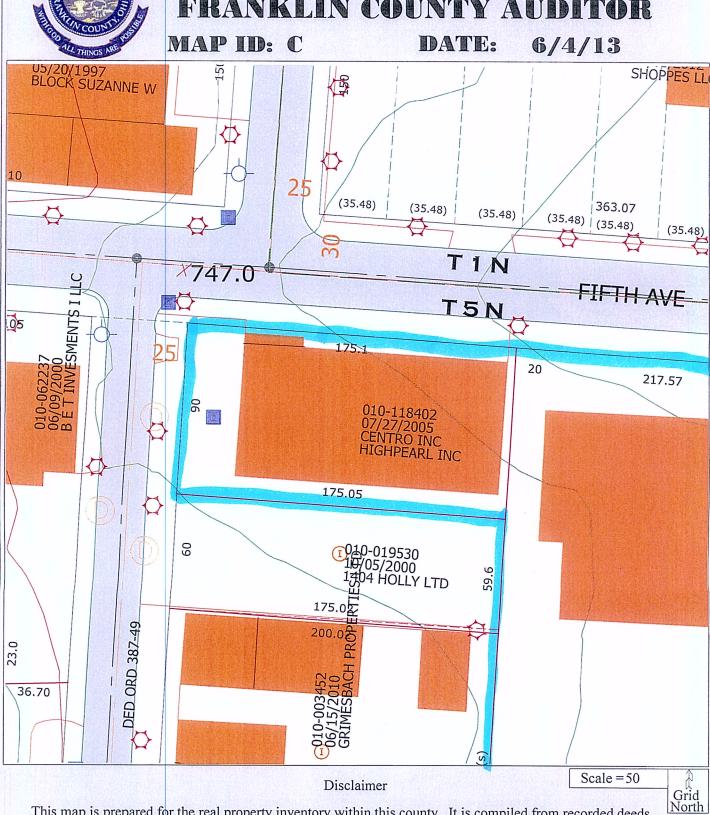
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on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

North

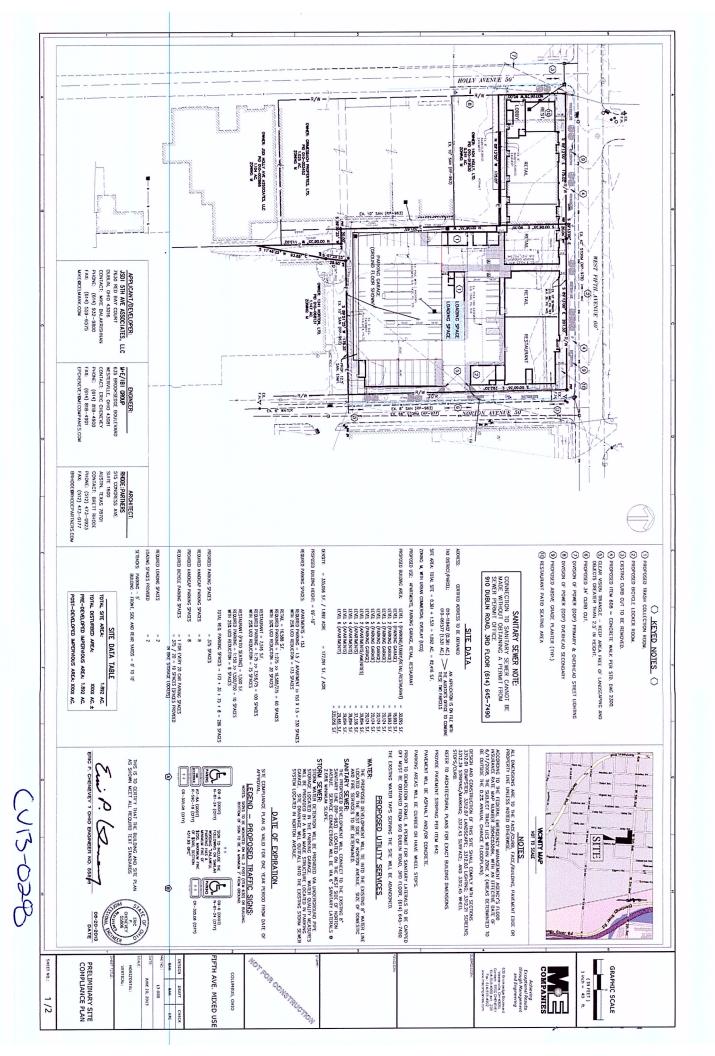


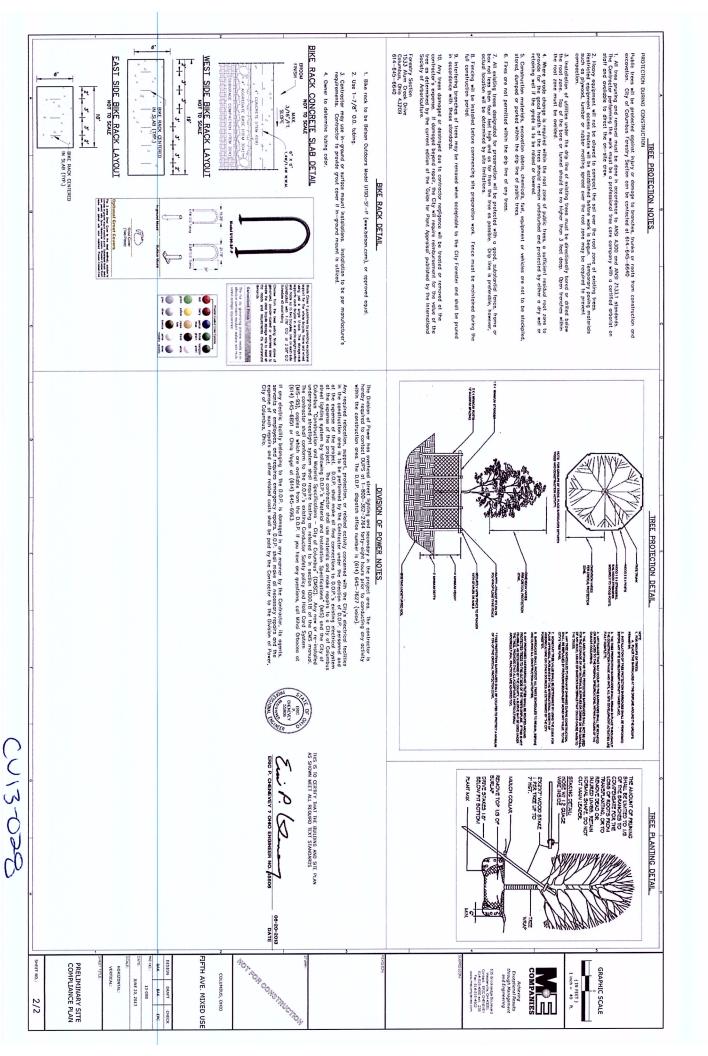
# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR



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Real Estate / GIS Department





97238 1808 2008 2008 2008 2 9 03 2 ELEVATION - EAST (NORTON ST) -07 BEO-511) ELEVATION - NORTH (5TH AVENUE) 1 07 EXTERIOR ELEVATION NOTES CABLE VEHICLE BARRIER

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OF THE PROPERTY OF 515 CONGRESS AVE SUITE 1600 AUSTIN, TEXAS 78701 ZONING VARIANCE SUBMISSION 5th Avenue RHODE: PARTNERS ARCHITET - INTEROP. DESIGNER Bhade Perhanties 515 Compress Ava. Da 1000 Avreir, TE 78701 517 473 6923 p 1005 W. 5TH AVENUE COLUMBUS, OH 43201 Mixed Use 512 473 0923 KEY PLAN TO THE CO. OF THE CO. ELEVATIONS

97  $\blacksquare$ 7 -[5] ELEVATION - WEST (HOLLY STREET) 7 n 22a 33 4 0.00 ELEVATION - SOUTH 1 EXTERIOR ELEVATION NOTES METAL RAILING METAL SIDING PAINTED CALIBLOCK CABLE VEHICLE BARRIER VELLS AS DICEYD WAYNING BROKMASONRY WOOD COMPOSITE CLADORID PAVEL 5th Avenue Mixed Use 515 CONGRESS AVE SUITE 1600 AUSTIN, TEXAS 78701 ZONING VARIANCE
SUBMISSION

IT THIS DOCUMENT SHATE SHARED, AND
DATED IT MAY HOT BEINGED ON BEDILATION
ASSESSMENT ON CONTINUENTS RHODE: PARTNERS 1005 W. 5TH AVENUE COLUMBUS, OH 43201 512 473 0923 STATE OF STA ELEVATIONS

BEG-SIM

ROOF 0 LEVEL 3 1/8 192-9 7/8 LEVEL 1 R2 USE R2USE R2 USE 10.0 WEST FIFTH AVENUE ALLOWARDLE HEIGHT INGREASE:
T' HEIGHT PER 1' SETBACK
PER ZOWING SECTION
3309/142A OP OF ROOF STRUCTURE LEVEL 1 \*150:978 ROOF LEVEL 3 1EVEL 6 LEVEL 2 187.7 CN3-020 5th Avenue Mixed Use RHODE: PARTNERS
S15 CONGRESS AVE
SUITE 1400
AUSTIN, TEXAS 78701 ZONING VARIANCE SUBMISSION KEY PLAN 1005 W. 5TH AVENUE COLUMBUS, OH 43201 BUILDING SECTION 512 473 0923 512 473 0177 Applications of the control of the c



JSDI 5th AVE ASSOCIATES, LLC. 8th AVENUE MIXED USE DEVELOPMENT

RHODE: PARTNERS

