



## 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](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: C13-041 / 13315-00000-00864

Date Received: 12/2/13

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) 148 S. Powell Avenue Zip 43204

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: 010064239

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

Current Zoning District(s): R2F

Civic Association or Area Commission: Greater Hilltop Area Commission

Proposed use or reason for Council Variance request: Existing non-conforming use to be continued if property had to be rebuilt

Acreage: 0.16

**APPLICANT:** Name Brad J. DeHays and Steve C. Vujevich

Address 1145 Goodale Blvd. City/State Columbus, OH Zip 43212

Phone # 614-354-0091 Fax # \_\_\_\_\_ Email: brad@connect-ohio.com

**PROPERTY OWNER(S):** Name Brad J. DeHays and Steve c. Vujevich

Address 1145 Goodale Blvd. City/State Columbus, OH Zip 43212

Phone # 614-354-0091 Fax # \_\_\_\_\_ Email: brad@connect-ohio.com

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

### ATTORNEY / AGENT

☒ Attorney ☐ Agent

Name Jameel S. Turner, Esq., c/o Bailey Cavalieri LLC

Address 10 W. Broad Street, Suite 2100 City/State Columbus, OH Zip 43215

Phone # 614-229-3260 Fax # 614-221-0479 Email: jameel.turner@baileycavalieri.com

### 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.

**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

**Applicant:** Brad J. DeHays and Steve C. Vujevich  
**Owner:** Brad J. DeHays and Steve C. Vujevich  
**Subject Property:** 148 South Powell Avenue, Columbus, Ohio 43204

### **PROPOSED VARIANCE REQUEST**

Brad J. DeHays and Steve Vujevich (collectively, the "Applicant") are the owners of the property located at 148 South Powell Avenue, Columbus, Ohio 43204 (the "Property"). The Applicant will request from Columbus City Council a zoning use variance to permit a continuance of the nonconforming use of the Property. The Property is currently zoned "R2F" but the existing building is a 4-family unit, which is consistent with the nonconforming uses of the parcels immediately adjacent to the Property.

The Applicant seeks a variance from Columbus City Council to permit the Property to be zoned "R-4", essentially permitting the current nonconforming use of the property in perpetuity so that, in the event the Property was to be destroyed by fire or an Act of God, the Property could be rebuilt in its current footprint as a 4-family unit.

In addition to the Applicant's request for a zoning designation of R-4 for the Property, the Applicant also requests a variance for all nonconforming existing conditions on the Property as determined by the Department of Building and Zoning Services, including the parking spaces for the Property, the rear yard and the side yard.

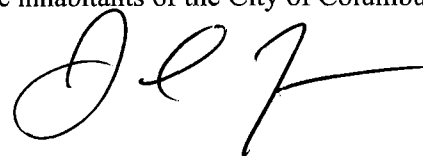
### **HARDSHIP STATEMENT**

The primary impetus for Applicant's variance request is so that the Applicant can refinance its loan on the Property to take advantage of a lower interest rate being offered by the Applicant's lender. The lender seeks confirmation that if the Property were to be destroyed by fire or some other Act of God, that it could be rebuilt on its current footprint as a 4-family unit.

The City of Columbus' Department of Building and Zoning Services does not issue "rebuild letters" in this context; therefore, the Applicant is required to seek a variance in order to provide assurance to the lender that the Property could be rebuilt on its current footprint as a 4-family unit in the event the Property is destroyed by fire or some other Act of God. The Applicant has no current plans to perform any construction on the Property. The sole purpose of the variance is to approve the existing nonconforming use and conditions of the Property so that the Applicant can refinance its loan on the Property.

A nonconforming use is not permitted to continue if the use of the building is enlarged, expanded, reconstructed or structurally altered in any lawful manner under C.C. 3391.01. A nonconforming use also cannot be extended, so as to increase the floor space over the existing floor space. Therefore, the Applicant requests a use variance to preserve the right to continue the use of the dwelling as a four (4) unit dwelling and the right to restore such unites in the vent of damage or destruction, including to the extent of fifty percent (50%) or more of the value of the existing building. Given the fact that the variance will not alter the actual "use" of the site (residential), or the number of dwelling units in the building (4), such use variance will not adversely affect the surrounding property or surrounding neighborhood.

Furthermore, the variance will not impair an adequate supply of light and air to the adjacent property, as no height or square footage adjustments will be made to the four (4) units or to the building. The Property will continue to blend with the architecture, character, and design of the neighborhood homes. Because no increase in density is requested, the variance will not increase the congestion of public streets or increase the danger of fires. In addition, it will not endanger the public safety or unreasonably diminish or impair the public health, safety, comfort, morals or welfare of the inhabitants of the City of Columbus.

 12/2/2013



## 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](http://www.columbus.gov)

### AFFIDAVIT

(See next page for instructions)

APPLICATION #

CV13-041

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jameel S. Turner

of (1) MAILING ADDRESS 10 W. Broad Street, Suite 2100, 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) per CERTIFIED ADDRESS FOR ZONING PURPOSES 148 S. Powell Ave., Columbus, OH 43204

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) 12/2/13

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Brad J. DeHays and Steve C. Vujevich

1145 Goodale Boulevard

Columbus OH 43212

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

Brad J. DeHays and Steve C. Vujevich

614-354-0091

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

(5) Greater Hilltop Area Commission

Greg Large, Zoning Chair

P.O. Box 28052, Columbus, OH 43228

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

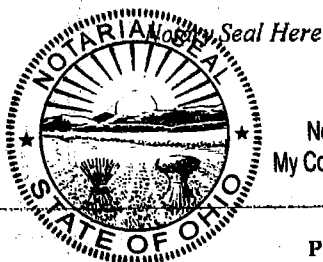
Subscribed to me in my presence and before me this 2nd day of December, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires: 8/1/2015

(8)

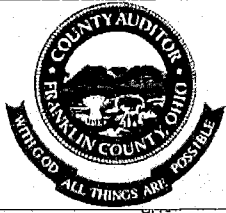
(8)



Mary A. Miller  
Notary Public, State of Ohio  
My Commission Expires 08-01-2015

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

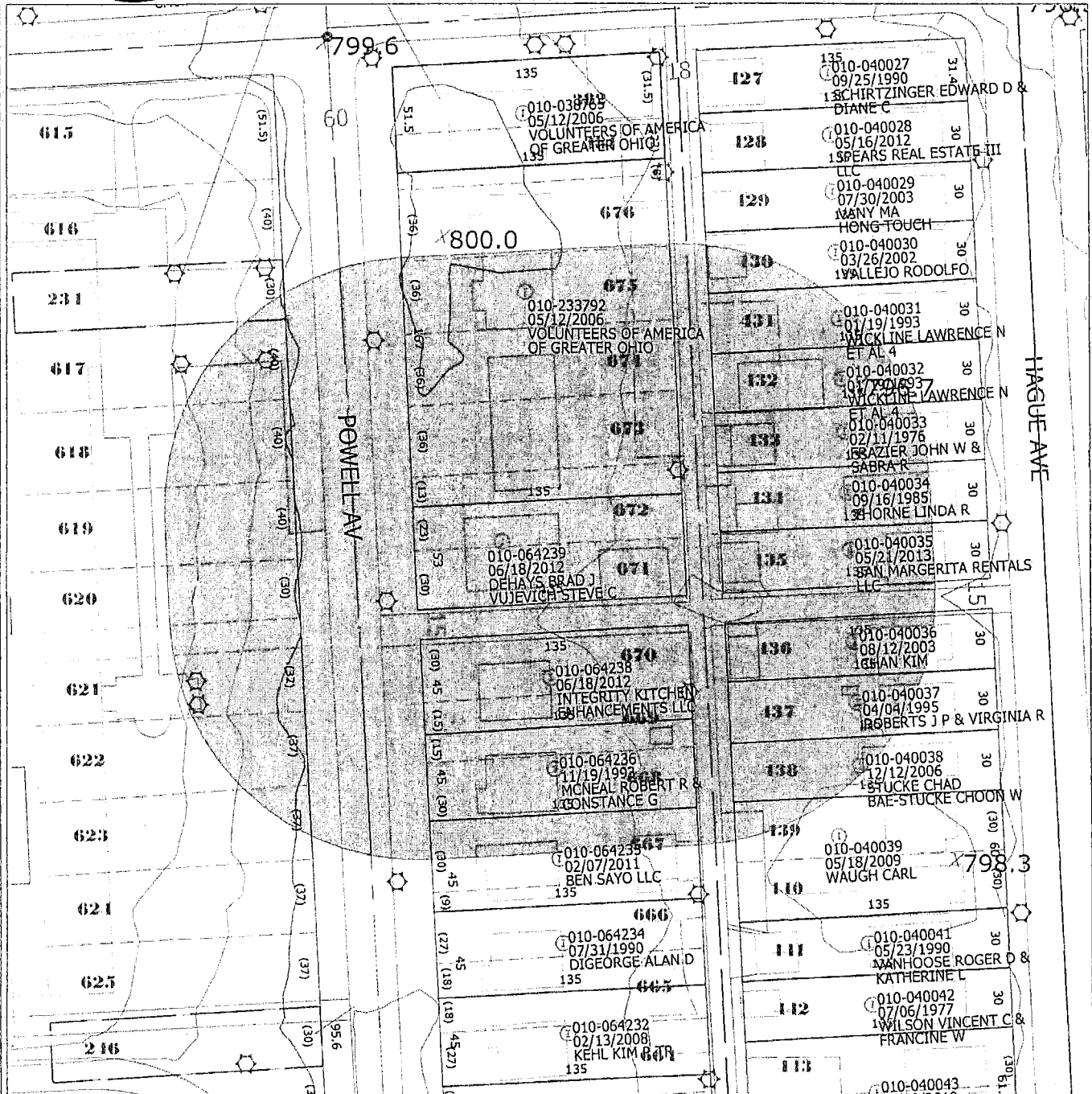
CV13-041



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C

DATE: 11/21/13



Disclaimer

Scale = 74'

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

Brad J. DeHays  
Steve C. Vujevich  
1145 Goodale Blvd.  
Columbus, Ohio 43212

Jameel S. Turner, Esq.  
Bailey Cavalieri LLC  
10 W. Broad St., Ste. 2100  
Columbus, Ohio 43215

CV13-041

Greater Hilltop Area Commission  
Attn: Greg Large  
P.O. Box 28052  
Columbus, OH 43228

Lawrence N. Wickline, et al 4  
c/o Lawrence Wickline  
6632 Morse Road  
New Albany, OH 43054

Rodolfo Vallejo  
133 S Hague Ave  
Columbus OH 43204

John W. Frazier  
Sabra R. Frazier  
145 S. Hague Ave  
Columbus, OH 43204

Linda R. Thorne  
149 S. Hague Ave  
Columbus, OH 43204

San Margerita Rentals LLC  
3297 McKinley Ave  
Columbus, OH 43204

Kim Chan  
159 S. Hague Ave  
Columbus, OH 43204

J.P. and Virginia R. Roberts  
163 S. Hague Ave  
Columbus, OH 43204

Chad Stucke  
Choon W. Bae-Stucke  
4076 Harlem Rd  
New Albany, OH 43054

Carl Waugh  
3496 Summit Rd SW  
Pataskala, OH 43062

Ben Sayo LLC  
P.O. Box 742  
Hilliard, OH 43026

Board of Education  
Real Estate Coordinator  
270 E. State Street  
Columbus, OH 43215

Integrity Kitchen Enhancements LLC  
1395 W. 5<sup>th</sup> Avenue  
Columbus, OH 43212

Robert R. and Constance G. McNeal  
428 Daytona Road  
Columbus, OH 43228

Volunteers of America of Greater Ohio  
Bld. 3, Suite 206  
8221 Brecksville Road  
Cleveland, OH 44141



## 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](http://www.columbus.gov)

### 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 # CV13-041

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] JAMEEL S. TURNER

Of [COMPLETE ADDRESS] 10 W. Broad St., Suite 2100, 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 or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

1. Brad J. Deltoys 1145 Goodale Boulevard Columbus, OH 43212	2. Steve C. Ujeovich 65 E. State Street, Suite 2600 Columbus, OH 43215
3.	4.

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 2nd day of December, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires: 8/1/2015



Mary A. Miller  
Notary Public, State of Ohio  
My Commission Expires 08-01-2015

Disclosure Statement expires six months 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



CV13-041

**EXHIBIT A  
(LEGAL DESCRIPTION)**

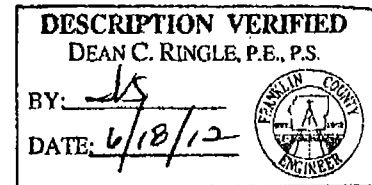
Situated in the County of Franklin, in the State of Ohio and in the City of Columbus:

Being Twenty-three (23) feet off of the South side of Lot Number Six Hundred Seventy-two (672) and all of Lot Number Six Hundred Seventy-one (671), of Camp Chase Heights Addition Amended, as the said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 16, Pages 27 and 28, Recorder's Office, Franklin County, Ohio.

**Parcel No. 010-064239-00**

148 S Powell, Columbus, Ohio 43204

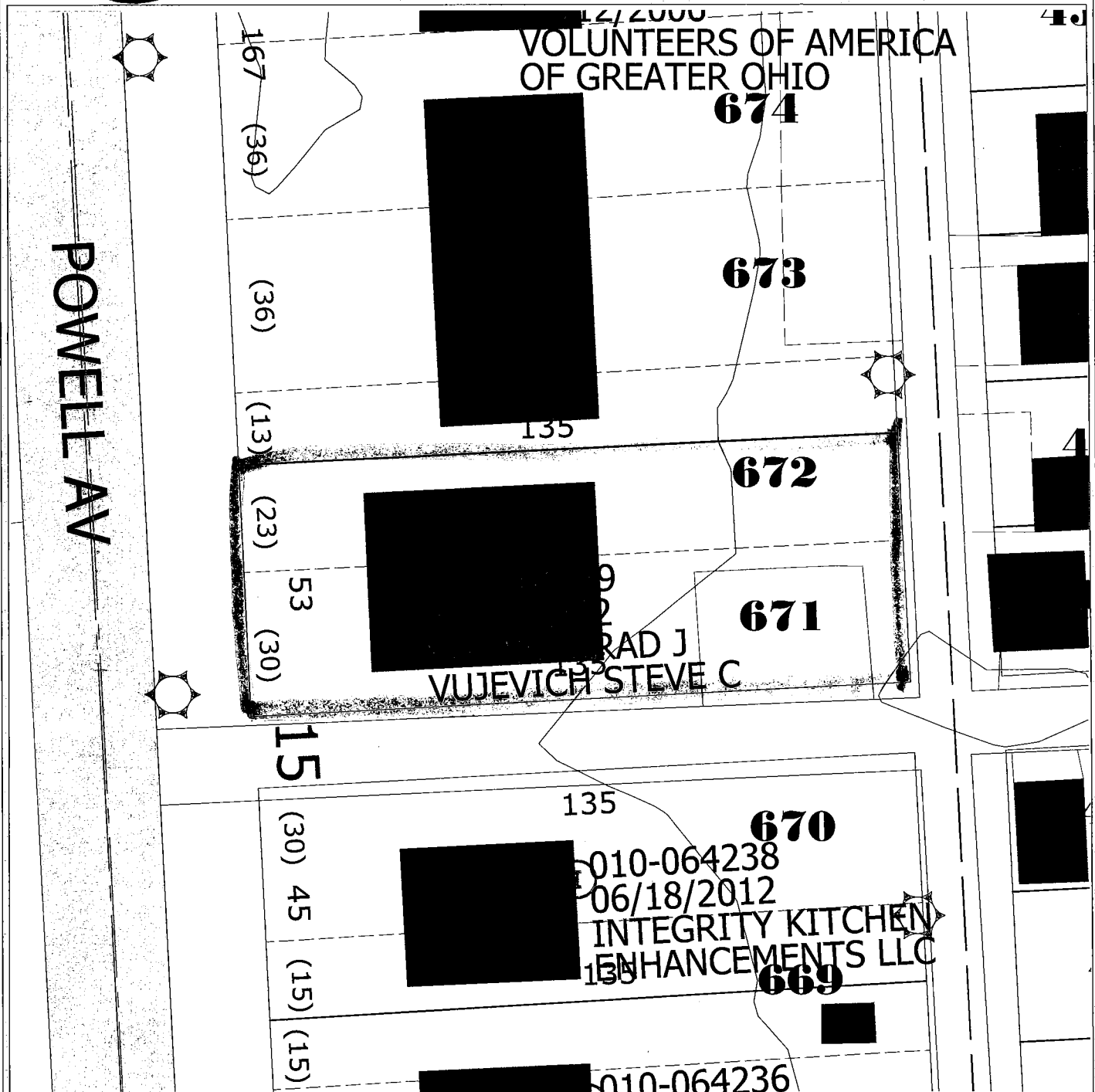
D-80  
ALL OF  
(010)  
064239





**MAP ID: C**

**DATE: 11/21/13**



Scale = 30



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

C113-041



Photo

Generated on: 11/20/13 at 03:48:48 PM

Parcel ID  
010-064239-00

Map Routing No  
010-D080 -020-00

Card No  
1

Location  
148 S POWELL

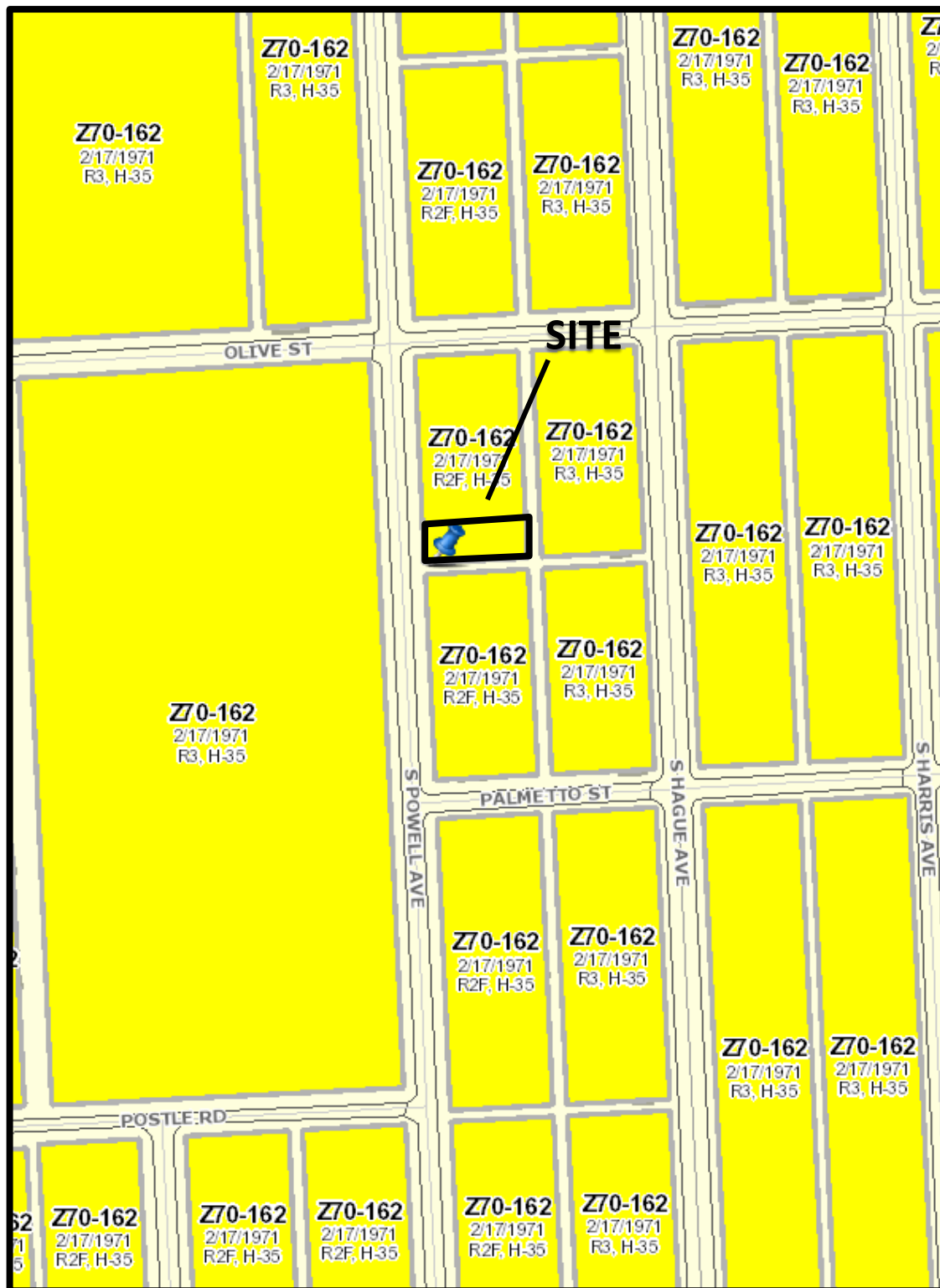
AV

Photo



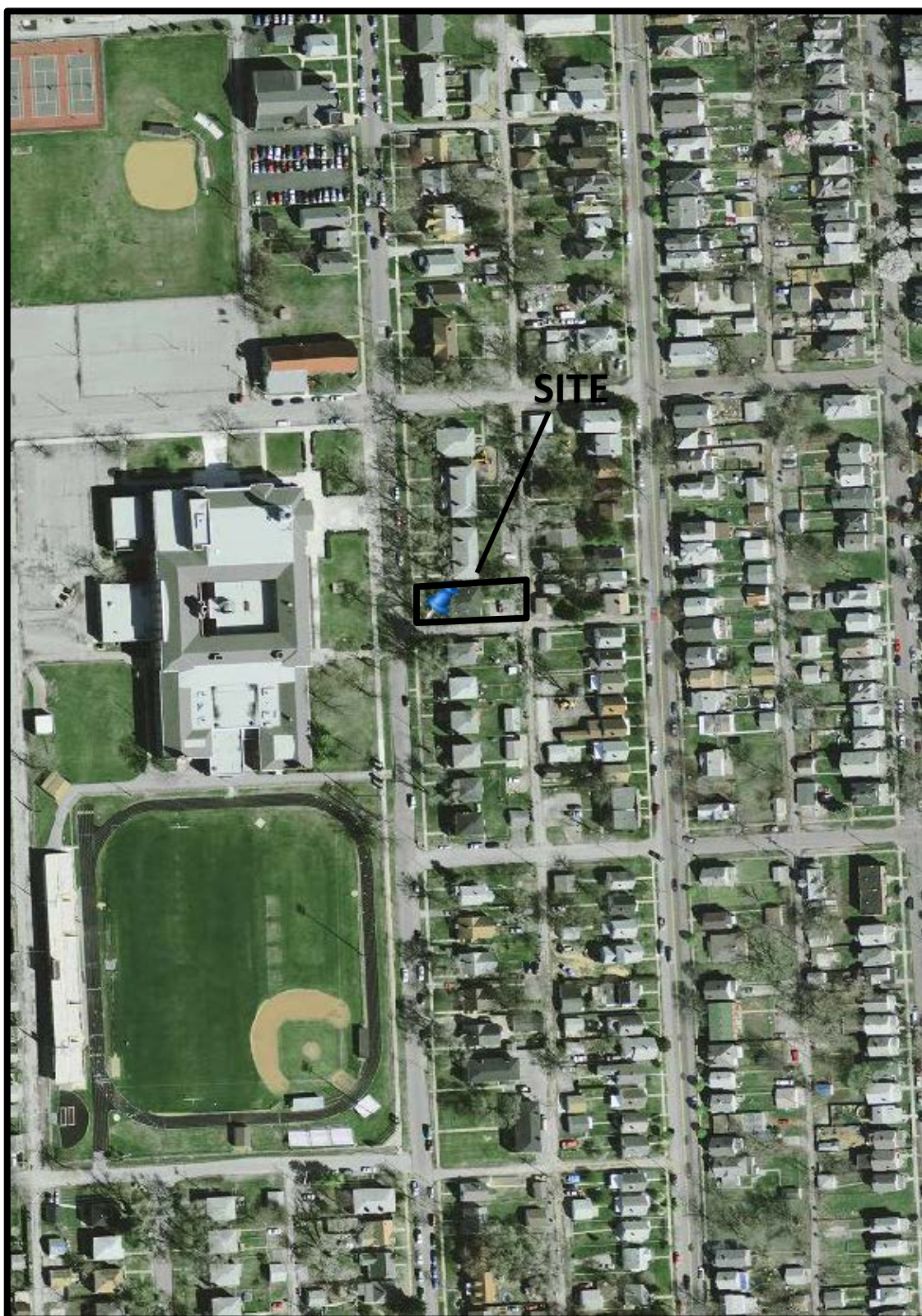
010-064239-00 09/11/2010

The information on this web site is prepared for the real property inventory within this county. Users of this data are notified that the public primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.



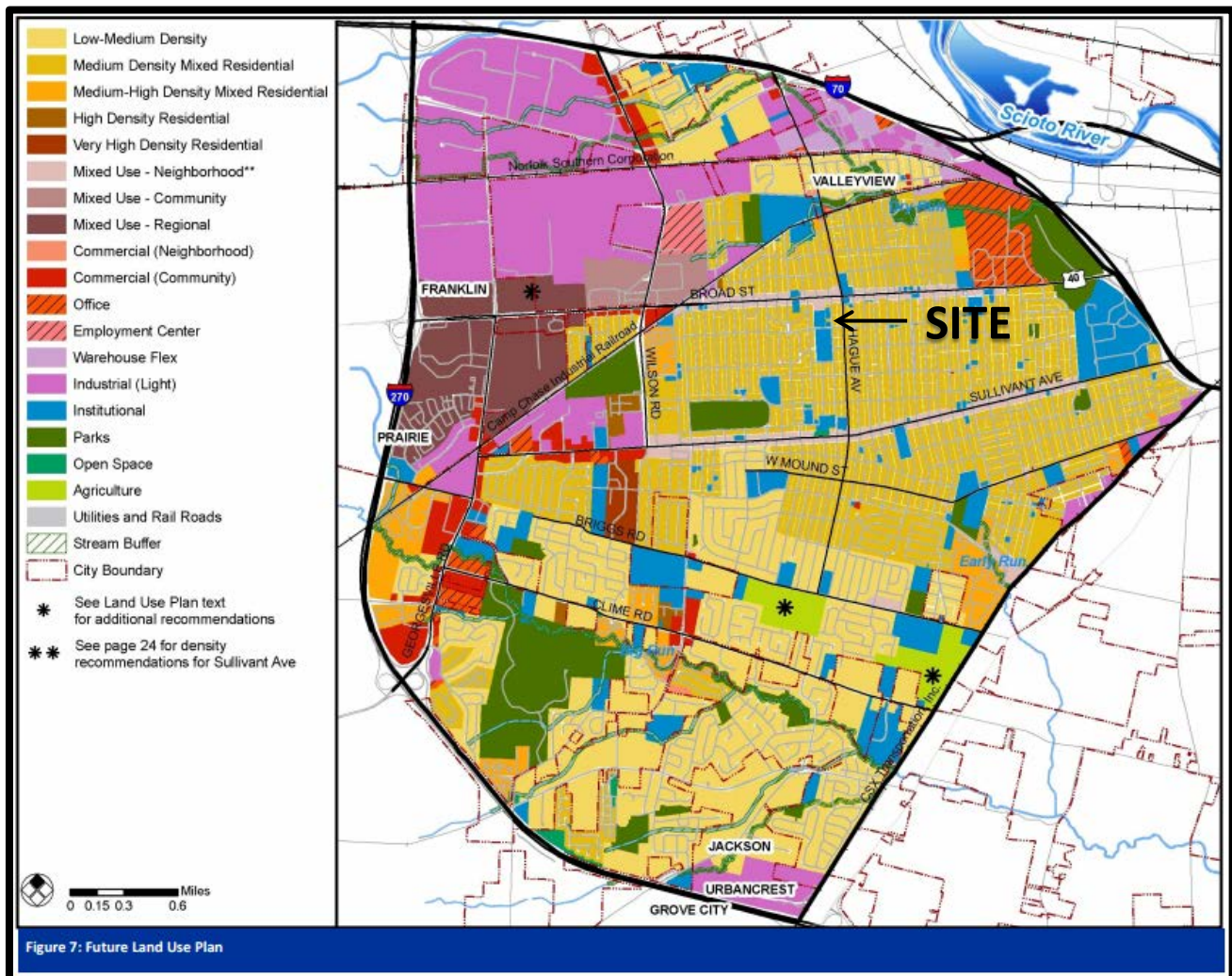
CV13-041  
148 S. Powell Avenue  
Approximately 0.16 acres





CV13-041  
148 S. Powell Avenue  
Approximately 0.16 acres





CV13-041  
 148 S. Powell Avenue  
 Approximately 0.16 acres