

Date 5/26/10

Application # CV10-016

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



# COUNCIL VARIANCE APPLICATION

## OFFICE USE ONLY:

Planning Area: \_\_\_\_\_ Received By: \_\_\_\_\_

## LOCATION AND ZONING REQUEST:

Certified Address(for Zoning Purposes) 1165 W 3rd Ave 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 010062503 and 010062504

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 Area Commission

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

Proposed Use or reason for Council Variance request: Use variance to permit 1st floor residential

Proposed Height District: H-35 Acreage 0.19

(Columbus City Code Section 3309.14)

**APPLICANT:** Name Richard B. Brown

Address 1165 W. 3rd Ave. City Columbus Zip 43212

**PROPERTY OWNER(S)** Name Blare Corp Family LP

Address 1165 W. 3rd Ave. City Columbus Zip 43212

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

## ATTORNEY / AGENT

Attorney

Agent

Name \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ Zip \_\_\_\_\_

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_

Email \_\_\_\_\_

## SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

X Applicant Signature Richard B Brown

X Property Owner Signature Richard B Brown x Ellen J. Brown

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.



# 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: 010062503

Zoning Number: 1165

Street Name: W 3RD AVE

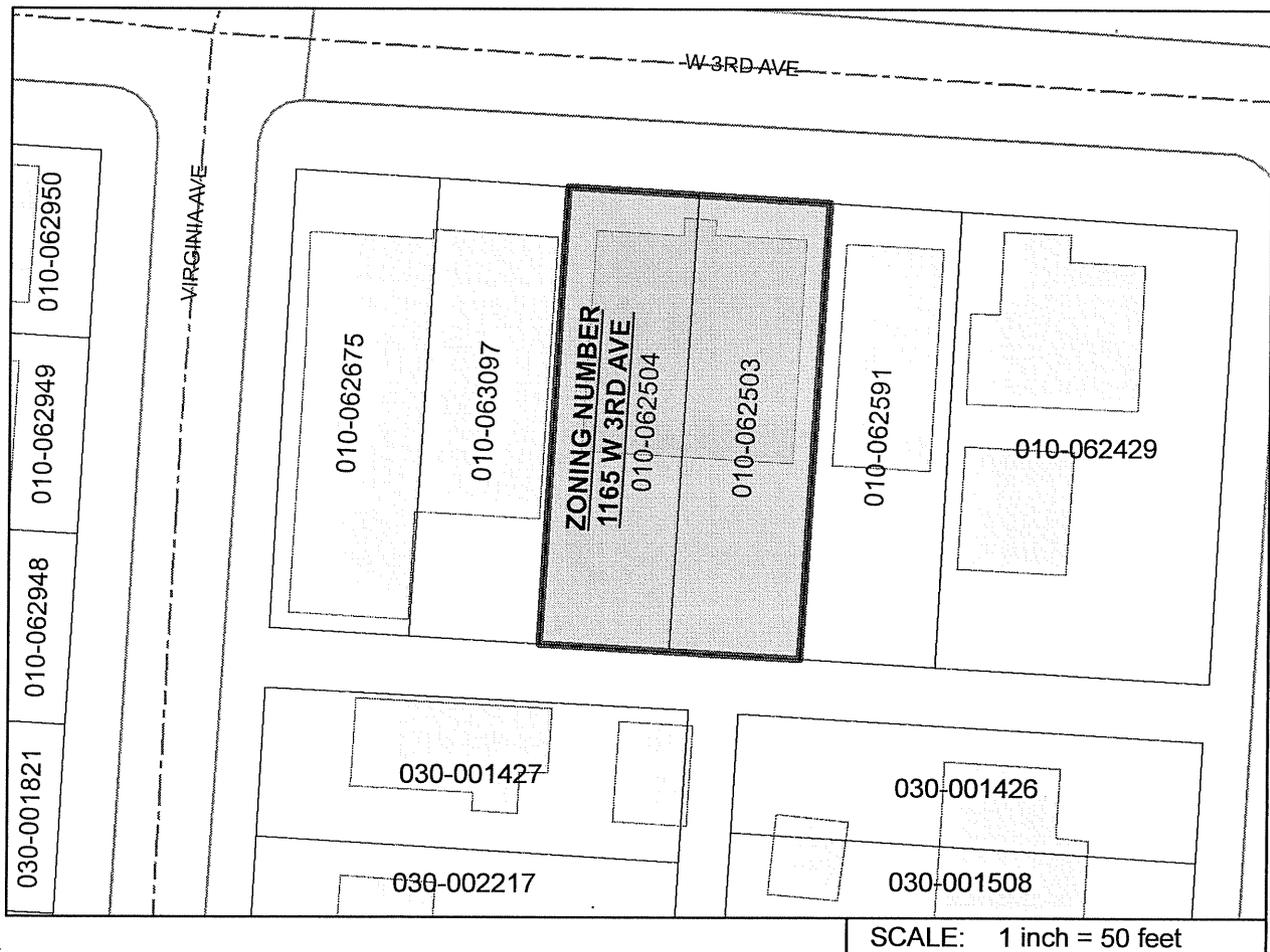
Lot Number: 14

Subdivision: EAST VIEW

Requested By: RICK BROWN

Issued By: *Patricia A. Austin*

Date: 5/26/2010



SCALE: 1 inch = 50 feet



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

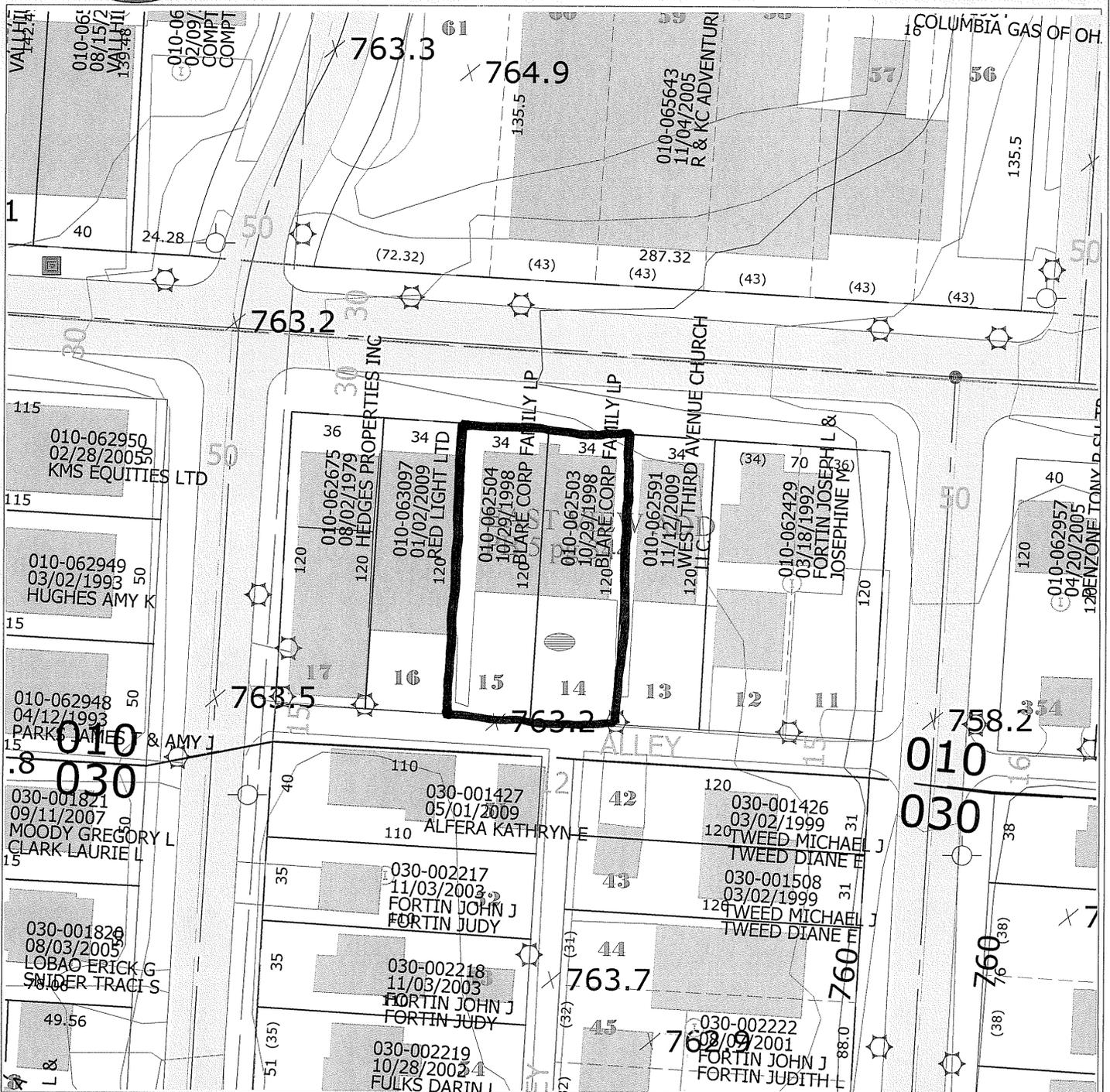
GIS FILE NUMBER: 4481



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 5/21/10



Disclaimer

Scale = 60



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.

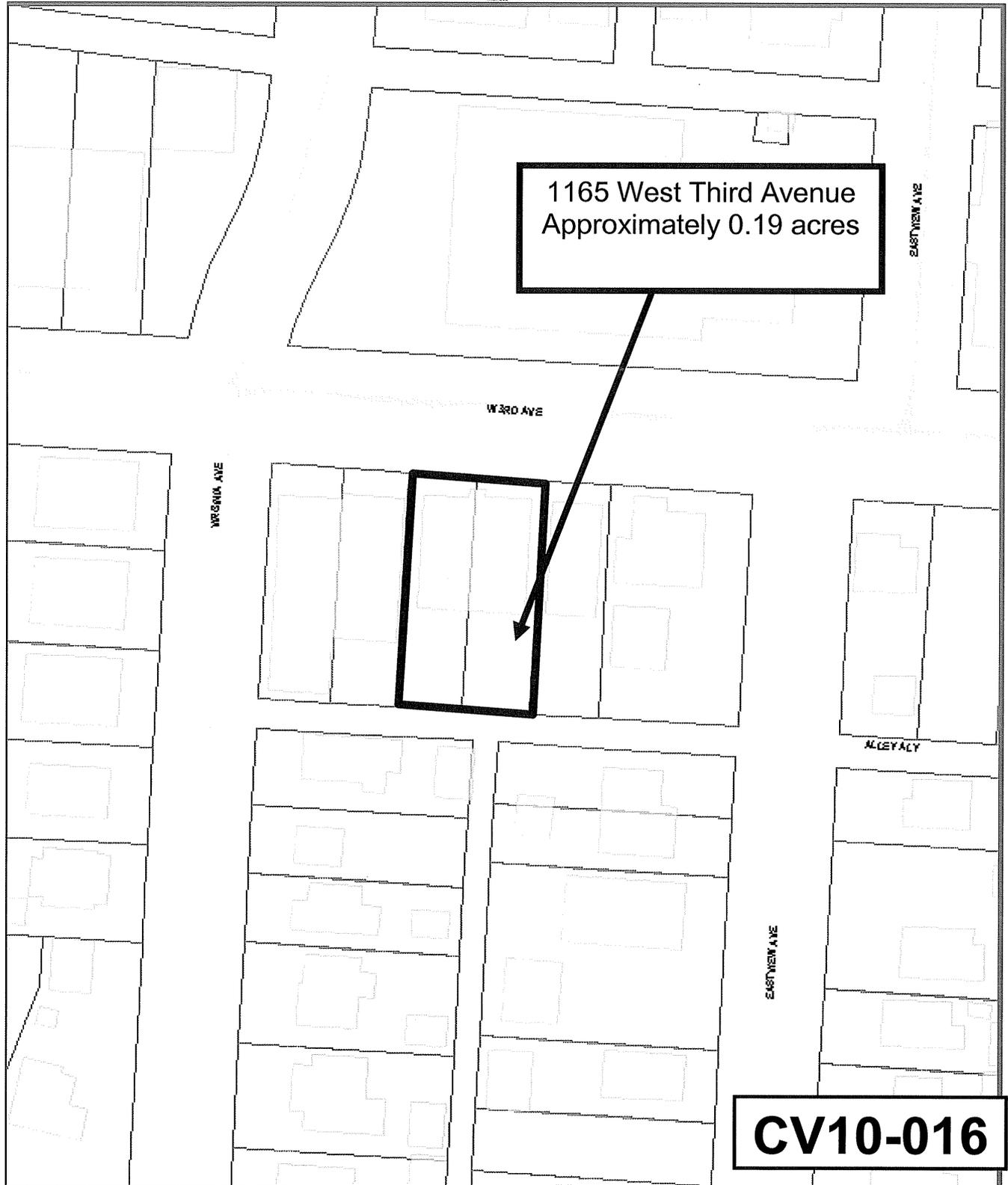
**CITY OF COLUMBUS**  
DEPARTMENT OF BUILDING AND ZONING SERVICES

151 CAROLYN AVENUE, COLUMBUS, OH 43224



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151 CAROLYN AVENUE, COLUMBUS, OH 43224

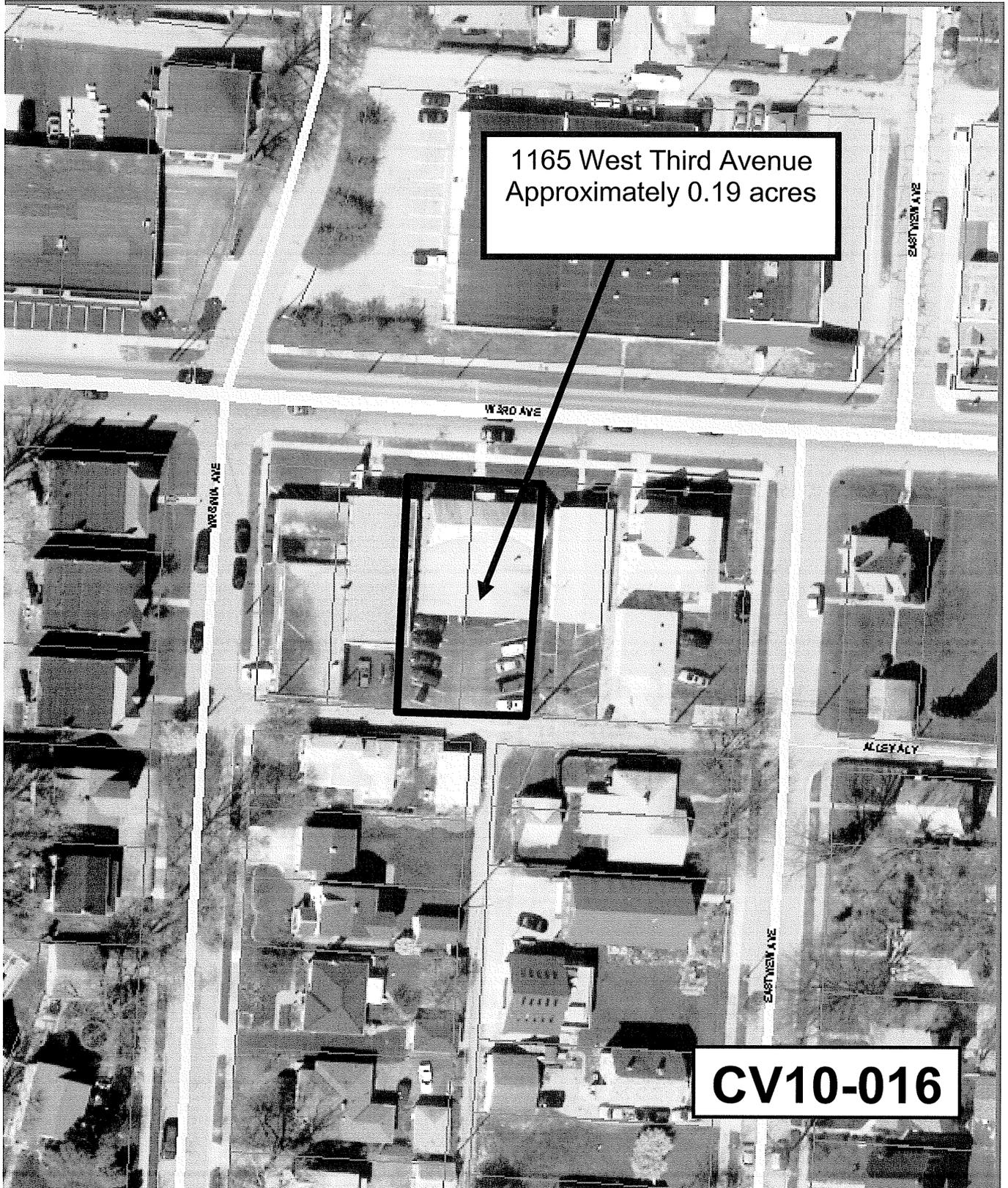


1165 West Third Avenue  
Approximately 0.19 acres

**CV10-016**

**CITY OF COLUMBUS**  
DEPARTMENT OF BUILDING AND ZONING SERVICES

157 CAROLYN AVENUE, COLUMBUS, OH 43224





# AFFIDAVIT

(See reverse side for instructions)

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Richard B. Brown  
of (1) MAILING ADDRESS 1165 W. 3rd Ave. Columbus, OH 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 1165 W. 3rd 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) 5/26/10

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME AND MAILING ADDRESS

(4) Blare Corp Family LP  
1165 W. Third Ave.  
Columbus, OH 43212

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

Richard B. Brown  
614-298-2132 x 203

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

(5) 5th By Northwest Area Commission  
1635 B Grandview Ave.  
Columbus, OH 43212  
Bruce Shalter 614-488-1110

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)

X SIGNATURE OF AFFIANT

(8) Richard B. Brown

Subscribed to me in my presence and before me this 21st day of May, in the year 2010

SIGNATURE OF NOTARY PUBLIC

(8) Kevin E. Cavanaugh

My Commission Expires:

Notary Seal Here

**KEVIN E. CAVANAUGH**  
**Notary Public, State of Ohio**  
**My Commission Expires 10-30-2010**

Blare Corp FLP  
c/o Richard B. Brown  
1165 W. Third Ave.  
Columbus, OH 43212

Richard B. & Ellen J. Brown  
1165 W. Third Ave.  
Columbus, OH 43212

5<sup>th</sup> By Northwest Area Commission  
c/o Bruce Shalter  
1635-B Grandview Ave.  
Columbus, OH 43212

Kathryn E. Alfera  
1256 Virginia Ave.  
Columbus, OH 43212

Josephine M. Fortin  
1155 W. Third Ave.  
Columbus, OH 43212

Hedges Properties Inc.  
1177 W. Third Ave.  
Columbus, OH 43212

R & KC Adventures LLC  
P.O. Box 12505  
Columbus, OH 43212

Red Light LTD  
1171 W. Third Ave.  
Columbus, OH 43212

Michael J. & Diane E. Tweed  
1245 Eastview Ave.  
Columbus, OH 43212

West Third Avenue Church LLC  
2925 Wellesley Dr.  
Columbus, OH 43221

KMS Equities LTD  
7564 Heatherwood Dr.  
Canal Winchester, OH 43110

Amy K. Hughes  
c/o BAC Tax Services Corp  
2375 N. Glenville Dr.  
Richardson, TX 75082

James Parks  
3310 Bluff Oak Ct.  
Cumming, GA 30041

John J. & Judith L. Fortin  
1237 Eastview Ave.  
Columbus, OH 43212

Donald Compton  
1100 Urlin Ave.  
Columbus, OH 43212

Tony Penzone  
1139 W. Third Ave.  
Columbus, OH 43212

Gregory Moody & Laurie Clark  
1255 Virginia Ave.  
Columbus, OH 43212



## 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 Attachment

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X Signature of Applicant Richard B Brown Date 5/21/10

**STATEMENT OF HARDSHIP**

Re: 1165 W. 3<sup>rd</sup> Ave, Columbus, OH 43212

Our office building is located in a very diverse neighborhood that is still evolving with changes in the market place and influences of newer projects, such as “The Metropolitan” luxury condos and the just starting Grandview Yard project. Our block alone is surrounded by multi-family apartments, single-family houses, homes attached to former businesses (Fortin Welding), other offices, retail, and a veterinary hospital. We have tried unsuccessfully to lease out space in our office building for over 2 years. The economic viability of our building requires more flexibility and it adapts nicely to residential use. We always felt that, if the economy got really bad, we could necessarily move into our office building. Our adult children could also benefit from living there, if needed. Well, the time has come whereby we have to do something creative in order to save our office building. Therefore, **we are requesting a use variance from Section 3356.03 of the Zoning Code to allow residential dwelling units on the first floor of our C-4 zoned office building.** Our future economic viability depends on it.

Additionally, the **off-street parking needs to brought in to conformance with Section 3342 of the Zoning Code** as follows:

Existing: Business 4,590 s.f. ÷ 300 s.f. = 15.3 spaces required vs. 9 spaces provided

Proposed: Business 765 s.f. ÷ 300 s.f. = 2.55

Retail 1,530 s.f. ÷ 250 s.f. = 6.12

Residential 2 dwelling units x 2 spaces = 4

12.67 spaces required. vs. 9 spaces provided

Even though the proposed variance needed is less than the current non-conforming condition, **we are requesting a parking variance of 4 spaces** from the total required. The people proposed to live in the building are the same family that works in and owns the building thus reducing the reality of the parking needs.

Sincerely,



Richard B. Brown, General Partner

Blare Corp Family LP



Ellen J. Brown, General Partner

Blare Corp Family LP





# 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 # CV10-016

Being first duly cautioned and sworn (NAME) Richard B. Brown  
of (COMPLETE ADDRESS) 1165 W. 3rd Ave., Columbus, OH 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 or individual's address  
Address of corporate headquarters  
City, State, Zip  
Number of Columbus based employees  
Contact name and number

<u>Blare Corp Family LP</u> <u>1165 W. 3rd Ave.</u> <u>Columbus, OH 43212</u> <u>Richard B. Brown 614-298-2132</u>	

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

X SIGNATURE OF AFFIANT Richard B. Brown  
Subscribed to me in my presence and before me this 21<sup>st</sup> day  
of May, in the year 2010  
SIGNATURE OF NOTARY PUBLIC Kevin E. Cavanaugh  
My Commission Expires:

This Project Disclosure Statement expires six months after certification.  
Notary Seal Here Kevin E. Cavanaugh  
**Notary Public, State of Ohio**  
**My Commission Expires 10-30-2010**