



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: CV11-025/11315-00000-00470
Date Received: 6/20/11
Application Accepted By: S. Pine Fee: \$315
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 313 East Livingston Avenue Zip 43206
Is this property currently being annexed into the City of Columbus [] Yes [x] 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: 010-003743
[] Check here if listing additional parcel numbers on a separate page.
Current Zoning District(s): C-4, Commercial
Recognized Civic Association or Area Commission: German Village Commission
Proposed use or reason for Council Variance request: To permit a single family dwelling
Acreage: 0.064 Ac (2,796.05 sq. ft.)

APPLICANT: Name 313 Livingston 2010 LLC c/o Donald Plank, Plank Law Firm
Address 145 E Rich Street, 3rd Floor City/State Columbus, OH Zip 43215
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

PROPERTY OWNER(S): Name 313 Livingston 2010 LLC c/o Donald Plank, Plank Law Firm
Address 145 E Rich Street, 3rd Floor City/State Columbus, OH Zip 43215
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com
[] Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT [x] Attorney [] Agent
Name Donald Plank, Plank Law Firm
Address 145 E Rich Street, 3rd Floor City/State Columbus, OH Zip 43215
Phone # (614) 947-8600 Fax # (614) 228-1790 Email: dplank@planklaw.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Donald Plank, attorney for applicant
PROPERTY OWNER SIGNATURE Donald Plank, attorney for owner
ATTORNEY / AGENT SIGNATURE Donald Plank

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



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV11-025

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank
of (1) MAILING ADDRESS Plank Law Firm, 145 East Rich Street, 3rd Floor, 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 313 East Livingston Avenue

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) 9/26/11

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS

(4) 313 Livingston 2010 LLC c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Floor
Columbus, OH 43215

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

313 Livingston 2010 LLC c/o Donald Plank
(614) 947-8600

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

(5) German Village Commission c/o Randy Black
Historic Preservation Office, City of Columbus
109 North Front Street, Columbus, OH 43215

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.

See attached Exhibit A
SIGNATURE OF AFFIANT

(8) Donald Plank

Subscribed to me in my presence and before me this 3rd day of AUGUST, in the year 2011

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Parter
AUGUST 3, 2015

My Commission Expires:

Notary Seal Here



BARBARA A. PARTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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Exhibit A

313 East Livingston Avenue

CV11- 025

August 1, 2011

APPLICANT:

313 Livingston 2010 LLC
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215-5240

PROPERTY OWNER(S):

313 Livingston 2010 LLC
c/o Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215-5240

ATTORNEY

Donald Plank
Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215-5240

COMMUNITY GROUP/COALITION:

German Village Commission
c/o Randy Black
Historic Preservation Office
109 North Front Street
Columbus, OH 43215

SURROUNDING PROPERTY OWNERS (125 Feet)

Soren H Petsch
313 Blenkner Street
Columbus, OH

Rose K Vargo TR
299 East Livingston Ave
Columbus, OH

Christopher A Shaffer
Mark K Fisher
296 Blenkner Street
Columbus, OH

Jon E Varner
318 Jackson Street
Columbus, OH 43206

Daniel M Lavon
4009 James River Road
New Albany, OH 43054

Brent A Levison
552 South Sixth Street
Columbus, OH

CBS Partnership
PO Box 36
Pataskala, OH 43062

Frank D Farkas TR
C/O Lenore Farkas
291 East Livingston Ave
Columbus, OH 43215

Michael H Siewert
307 East Livingston Ave
Columbus, OH

SHEET 1 of 2

August 1, 2011

CV11- 025

313 East Livingston Avenue

JMM Real Estate LLC
PO Box 28148
Columbus, OH 43228

Eoghan Odwyer
307 Blenkner Street
Columbus, OH

Rosalie M Goodsell
Paul M Burke
314 Jackson Street
Columbus, OH 43206

303 Eastliv LLC
2862 Berlin Station Road
Delaware, OH 43015

JVB Group LLC
538 South Sixth Street
Columbus, OH

Schaffer Properties
C/O Howard Tamaroff
2320 Kingsbridge Lane
Oxnard, CA 93035

Karla E Kaeser TOD
540 South Sixth Street
Columbus, OH 43206

Nancy K Wonell AFDT
324 Jackson Street
Columbus, OH 43206

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

310 Blenkner LLC
297 South Cassady Ave
Columbus, OH 43209

ALSO NOTIFY:

David B. Perry
David Perry Co., Inc.
145 East Rich Street, 3rd Floor
Columbus, OH 43215

313 Livingston 2010 LLC
297 South Cassady Ave
Columbus, OH 43209



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CV11-025

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 Exhibit B

Signature of Applicant Donald Plank Date 8/25/2011
 313 Livingston 2010 LLC August 25, 2011
 BT: Donald Plank

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EXHIBIT B

STATEMENT OF HARDSHIP

CV11-025

313 East Livingston Avenue, Columbus, OH 43206

The site is located in German Village and is developed with a two (2) story brick building in the C-4, Commercial (original) District. The building was a single family dwelling until 1992 at which time the use of the building was changed to an office use with permits. The use of record for the building is office. Applicant proposes to change the use of the building back to residential use as a single family dwelling. The property is located in an urban neighborhood with a mix of residential and commercial uses. Use of the building as a single family dwelling is consistent with its historical use. A hardship exists in that there is no zoning district to which the site could be rezoned as a conforming use and it would be uncharacteristic of the zoning pattern of the Livingston Avenue corridor to try to rezone a single parcel to a single family zoning district. A variance is required to permit the use of the building as a single family dwelling.

Applicant requests the following variances:

1. Section 3356.03, C-4 Permitted Uses, which Section does not permit a single family dwelling, while applicant proposes to change the use of former single family dwelling the use of which was changed to office use in 1992, back to a single family dwelling.
2. Section 3312.09, Aisle, which Section requires twenty (20) feet of aisle/maneuvering area for 90 degree parking spaces with two-way travel, while the parcel is 33.33 feet wide and applicant proposes two (2) 90 degree parking spaces with 17.5 feet of aisle/maneuvering area.
3. 3312.29, Parking Space, which Section requires minimum parking space dimensions of 9 x 18 feet, while applicant proposes two (2) parking spaces with dimensions of 8 feet 6 inches by 16 feet and there is precedent for narrower parking spaces with the eight (8) foot wide parking spaces permitted in the University Planning Overlay (UPO) and previous variances for parking space dimensions in urban areas.
4. 3312.43, Required Surface for Parking, which Section requires parking spaces to be improved with Portland cement, asphaltic concrete or other approved hard surface, while applicant proposes 2 feet 5 inches of the east end of the two (2) proposed parking spaces to be surfaced in gravel to provide an area for storm water percolation. The area proposed for gravel is in advance of the parking blocks.



Mayor Michael B. Coleman

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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 # CV11-025

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Donald Plank

Of [COMPLETE ADDRESS] Plank Law Firm, 145 East Rich Street, 3rd Floor, 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. 313 Livingston 2010 LLC 297 South Cassady Avenue Columbus, OH 43209 # of City of Columbus based employees: 0 Contact: Tom Willoughby, (614) 638-6983	2. <hr/>
3. <hr/>	4. <hr/>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 3rd day of AUGUST, in the year 2011

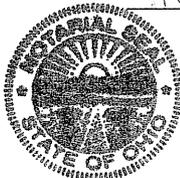
SIGNATURE OF NOTARY PUBLIC

Barbara A. Painter

My Commission Expires:

AUGUST 3, 2015

Notary Seal Here



BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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

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CITY OF COLUMBUS, OH
 HISTORY ADDRESS INQUIRY - ALL APPLICATIONS

ADDRESS 313 E LIVINGSTON AV

ADDRESS 313 E LIVINGSTON AV		HIST-PROP		ZIP CODE	43215 0	
INTERSECTION			SUB-DIV			
PARCEL NO	010-003743	CENSUS	5200	LOT NO	1	
HIST-DIST	GV	BLOCK	224			
PERMIT ID	INFORM	RES/COMM		# OF UNITS	0	VALUE 0
CREATE DATE	11-16-92	NEW/RPLC/ALTER		CONT. LIC. #		
PERMIT TYPE	B	C-40 CODE		OBBC		
DESCRIPTION	ADMINISTRATIVE PARKING WAIVER GRANTED 11/16/92 FOR 2 PARKING SPACES FOR CHANGE OF USE					
PERMIT ID	O9202105	RES/COMM	COMM	# OF UNITS	0	VALUE 0
CREATE DATE	08-18-92	NEW/RPLC/ALTER	ALTR	CONT. LIC. #	X005996	
PERMIT TYPE	O	C-40 CODE		OBBC		
DESCRIPTION	FINAL, BUILDING PERMIT: B9201732 , DATE: 8/13/92, INSP: JAMAL MONSOUR					
PERMIT ID	O9201179	RES/COMM	COMM	# OF UNITS	0	VALUE 0
CREATE DATE	05-21-92	NEW/RPLC/ALTER	ALTR	CONT. LIC. #	X005996	
PERMIT TYPE	O	C-40 CODE		OBBC		
DESCRIPTION	PARTIAL, BUILDING PERMIT: B9201732 , DATE: 5/19/92, INSP: DAVID PRICE					
PERMIT ID	FS9200159	RES/COMM	COMM	# OF UNITS	0	VALUE 0
CREATE DATE	04-17-92	NEW/RPLC/ALTER	NEW	CONT. LIC. #	FP53251207	
PERMIT TYPE	FS	C-40 CODE		OBBC		
DESCRIPTION	LIMITED AREA					
PERMIT ID	E9201923	RES/COMM	COMM	# OF UNITS	0	VALUE 1,400
CREATE DATE	04-09-92	NEW/RPLC/ALTER	REPL	CONT. LIC. #	E0147	
PERMIT TYPE	E	C-40 CODE		OBBC		
DESCRIPTION						
PERMIT ID	B9201732	RES/COMM	COMM	# OF UNITS	1	VALUE 10,000
CREATE DATE	03-27-92	NEW/RPLC/ALTER	ALTR	CONT. LIC. #	X005996	
PERMIT TYPE	B	C-40 CODE	437	OBBC	B 5B	
DESCRIPTION	ALTR. CHANGE USE TO 2 STY FRAME BUSINESS BUILDING T920323					
PERMIT ID	R9200208	RES/COMM	COMM	# OF UNITS	0	VALUE 800
CREATE DATE	03-20-92	NEW/RPLC/ALTER	REPL	CONT. LIC. #	R0264	
PERMIT TYPE	R	C-40 CODE		OBBC		
DESCRIPTION	REPL COMM					
PERMIT ID	H9200820	RES/COMM	COMM	# OF UNITS	0	VALUE 1,200
CREATE DATE	03-20-92	NEW/RPLC/ALTER	REPL	CONT. LIC. #	H0142	
PERMIT TYPE	H	C-40 CODE		OBBC		
DESCRIPTION	REPL COMM					
PERMIT ID	E9201184	RES/COMM	RES	# OF UNITS	1	VALUE 800
CREATE DATE	03-06-92	NEW/RPLC/ALTER	REPL	CONT. LIC. #	E0147	
PERMIT TYPE	E	C-40 CODE		OBBC		
DESCRIPTION						
PERMIT ID	INFO	RES/COMM		# OF UNITS	0	VALUE 0
CREATE DATE	01-11-88	NEW/RPLC/ALTER		CONT. LIC. #		
PERMIT TYPE	X	C-40 CODE		OBBC		
DESCRIPTION	PROPERTY IS IN THE GERMAN VILLAGE DISTRICT - CALL 7568					
PERMIT ID	E60403	RES/COMM		# OF UNITS	0	VALUE 2,500
CREATE DATE	09-10-87	NEW/RPLC/ALTER		CONT. LIC. #		
PERMIT TYPE	E	C-40 CODE		OBBC		
DESCRIPTION	ALTER RES 1 UNITS					

CITY OF COLUMBUS, OH

HISTORY ADDRESS INQUIRY - ALL APPLICATIONS

ADDRESS 313 E LIVINGSTON AV.

PERMIT ID	100487	RES/COMM	# OF UNITS	0	VALUE	793
CREATE DATE	05-10-76	NEW/RPLC/ALTER	CONT. LIC. #	E60403		
PERMIT TYPE	B	C-40 CODE	OBBC	0		
DESCRIPTION	ALT FR I FAM DW ROOFING					

DATE	03-19-92
REQ. TYPE	V
REQ. #	EN920323
STATUS	

CITY OF COLUMBUS, OH

ADDRESS INQUIRY- ALL APPLICATIONS (with most recent file date first)

PARAMETERS

STREET NAME: LIVINGSTON HIGH ADDRESS: * LOW ADDRESS: 313 STREET DIRECTION: *

313 E LIVINGSTON AVE

313 E LIVINGSTON AVE

ZIP CODE 43215

PARCEL NUMBER 010003743

SUB-DIV/LOT #

RERF1010622

C-40 CODE

FILE DATE 4/27/2010

RES/COMM Minor Alteration

PERMIT TYPE Commercial

NEW/RPLC/ALTER Re Roofing

ISSUED

CONTRACTOR HO9999

CONTRACTOR PROPERTY OWNER

OBBC-CON

OBBC-USE

SQUARE FT

TOTAL VALUATION \$2,500.00

LINE # WORK DESCRIPTION

REMOVE OLD ROOFING AND REPLACE WITH NEW ASPHALT ROOFING, FELT AND ICE GUARD. REPLACE WOOD DECK AS NEEDED ON AN EXISTING TWO STORY OFFICE BUILDING. CERTIFICATE OF APPROPRIATENESS ISSUED JANUARY 15, 2010 SPECS PROVIDED.

313 E LIVINGSTON AVE

OTHER APPLICATIONS

APPLICATION NUMBER

FILE DATE

PERMIT TYPE

PERMIT GROUP

PERMIT SUB TYPE

PERMIT CATEGORY

COMMENT

ZONING VARIANCE

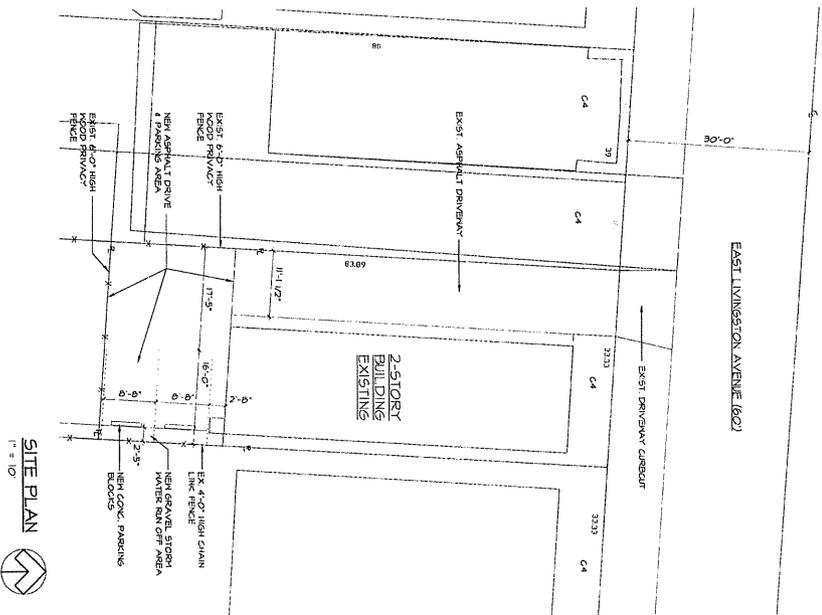
313 EAST LIVINGSTON AVENUE

COLUMBUS, OHIO 43206



SITE DATA

PROPERTY IDENTIFICATION NUMBER: 010-003143
 PROPERTY ADDRESS: 313 LIVINGSTON AVENUE
 EXISTING ZONING: C4
 HEIGHT DISTRICT: H35
 FLOOR PLAN: X 300440333K 6/17/2008
 EXISTING USE: SINGLE FAMILY RESIDENCE
 PROPOSED USE: 2 SPACES REQUIRED / PROVIDED
 PARKING:



C11-025

This document is the property of DCH Architects, LLC. It is not to be distributed or used for any other project without the written consent of DCH Architects, LLC.

Issue Date: August 25, 2011
 Revision Date: Mark

General Notes

DCH

DCH ARCHITECTS, LLC
 4435 Tipton Oak Drive
 Hilliard, Ohio 43026
 614.743.7925
 614.452.7580 Fax
 dch@dcharchitects.com
 www.dcharchitects.com

Project: 2110
 ZONING VARIANCE
 313 EAST LIVINGSTON AVENUE
 COLUMBUS, OHIO 43206

Sheet Title: LOCATION MAP
 SITE PLAN
 SITE DATA
 Sheet Number: AI
 1 of 1

Z72-055
R2F
6.21/1972

313 East Livingston Avenue

E LIVINGSTON AVE

S 11th St

BRN
C
Z72-055

E BLENNER ST

Z72-055
R2F
6.21/1972

Z72-055
R2F
6.21/1972

JACKSON ST

CV11-025

313 East Livingston Avenue

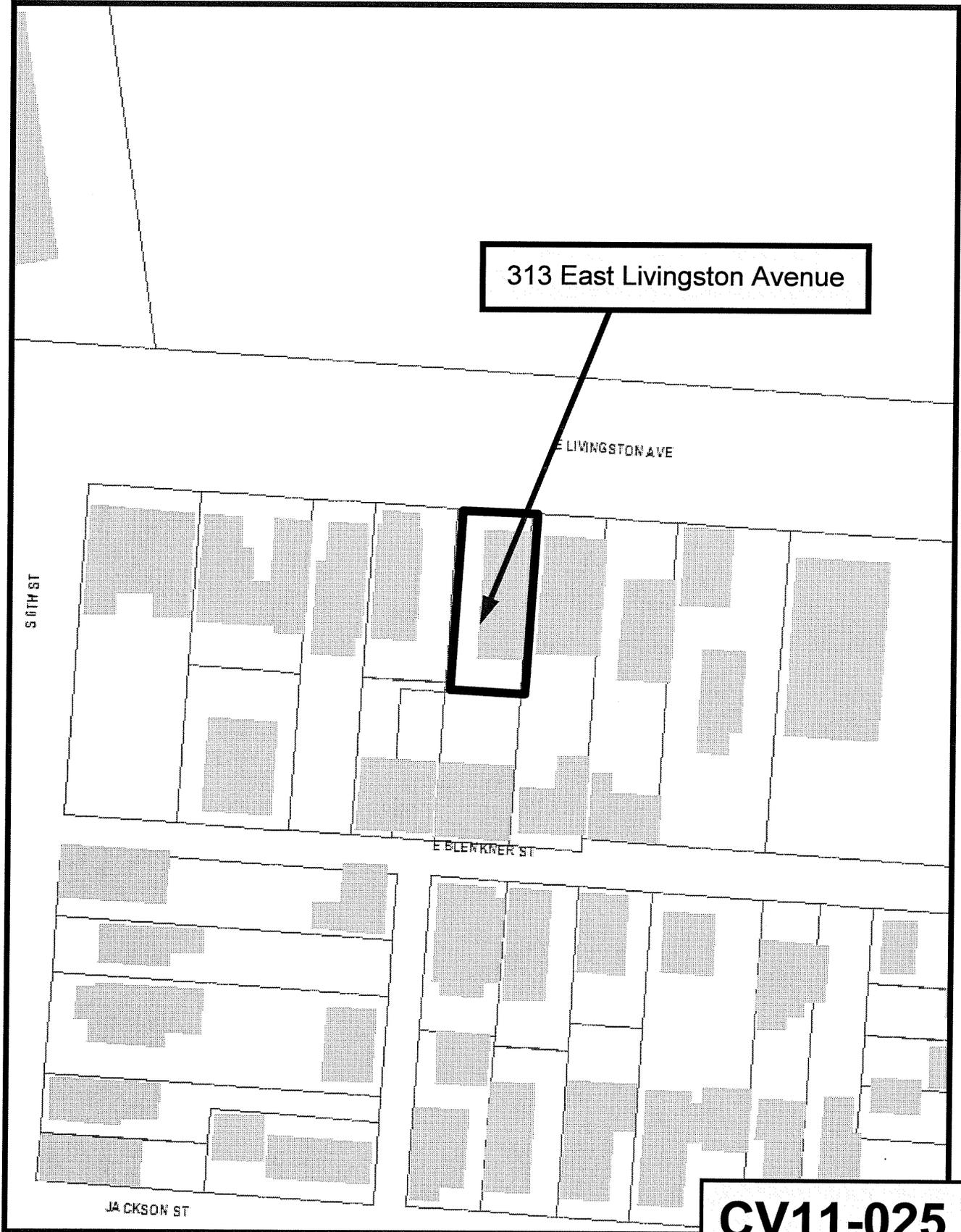
E LIVINGSTON AVE

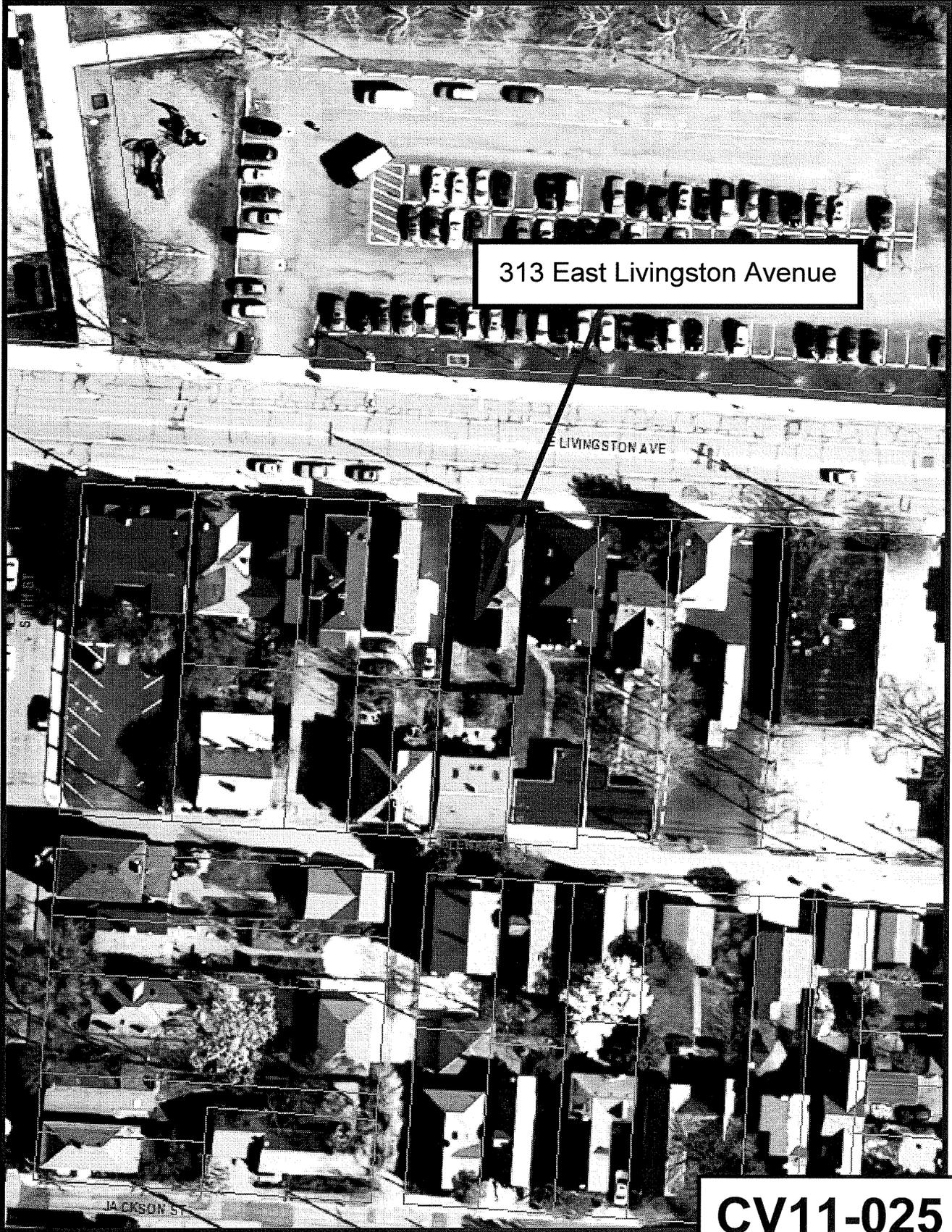
S 11TH ST

E BLENNER ST

JACKSON ST

CV11-025





313 East Livingston Avenue

LIVINGSTON AVE

JACKSON ST

CV11-025