



10310-00000-00271

Comments: _____ Application Number: _____ Commission/Group: _____
 _____ Date Received: 12 July 2010 Planning Area: _____
 _____ Date of Hearing: SEP. 2010 Acreage: _____
 _____ Zoning Fee: _____ Address Fee _____
 _____ Existing Zoning _____ Accepted by df

BOARD OF ZONING ADJUSTMENT APPLICATION

TYPE(S) OF ACTION REQUESTED

(Check all that apply)

- Variance
- Special Permit

Indicate what the proposal is and list applicable code sections. State what it is you are requesting.

Describe: Requesting variances to C.C. Sections 3312.49, 3312.25 and 3312.09 to provide additional parking in two existing parking lots. Please see attached Statement of Hardship.

LOCATION

1. Certified Address Number and Street Name 2533 / 2553 Cleveland Avenue
 City Columbus State Ohio Zip 43221
 Parcel Number (only one required.)

0	1	0	-	0	6	0	0	6	5
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APPLICANT (IF DIFFERENT FROM OWNER)

2. Name Masjid as Sahaba
 3. Address 2535 Cleveland Ave. City Columbus Zip 43221
 4. Phone# 439-3829 Fax # 880-9001
 5. Email Address _____

PROPERTY OWNER(S)

6. Name Applicant and Darlene Mathews
 7. Address 4519 Crooked Cedar Dr. City New Albany Zip 43054
 8. Phone# _____ Fax # _____
 9. Email Address _____

Check here if listing additional property owners on a separate page

ATTORNEY / AGENT (CIRCLE ONE)

10. Name David Hodge / Smith & Hale LLC
 11. Address 37 W. Broad St., Suite 725 City Columbus Zip 43215
 12. Phone# 221-4255 Fax # 221-4409
 13. Email Address _____

SIGNATURES

14. Applicant Signature Masjid as Sahaba By: David Hodge
 15. Property Owner Signature Darlene Mathews By: David Hodge
 16. Attorney/Agent Signature _____ By: David Hodge

One Stop Shop Zoning Report

Building Services Division
Department of Development
 Report date: 7/21/2010 10:08:36 AM

Parcel Report

Parcel ID	Owner	Address
010060065	AS-SAHABA MASJID	2535 CLEVELAND AVE COLUMBUS OH 43211
010060065	AS-SAHABA MASJID	2533 CLEVELAND AVE COLUMBUS OH 43211

Base Zoning Report

Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
ORIG	C4	H-35	20	Commercial	(View Document)

Zoning Overlay District

Overlay Name	District Name	Planning Overlay
CLEVELAND AVE/NORTH LINDEN UCO	COMMERCIAL OVERLAY	P
N/A	PLANNING OVERLAY	P
N/A	PLANNING OVERLAY	P

Flood Zone

Firm Panel	Flood Zone	SFHA	Panel Type	FZONE
TBD	X	OUT	CURRENT	X

Area Commissions

Area Name	INFObase URL
North Linden Area Commission	INFObase Page



This map is intended to locate the property in question, and provide information about the land use categories governing the use of this parcel. Please consult with zoning staff before making binding decisions based on this information. The property address is not a certified address for building purposes. No warranty is expressed or implied.

OWNER AUTHORIZATION

Darlene Mathews, owner of real properties known as Franklin County Parcel Numbers 010-059233 and 010-059304, which are located at 2547 – 2553 Cleveland Avenue (the “Properties”), hereby grant to Masjid as Sahaba, attorney David Hodge of the law firm of Smith & Hale LLC, and attorneys employed with that firm (the “Agents”) permission and authority to act as her representative in seeking variances related to her parking lot associated with the Properties with the City of Columbus, Ohio. The Agents shall have the authority to represent the owner’s interests in the Property at all applicable hearings and during all administrative reviews relating to and dealing with the variance request applicable to the Property to ensure approval of the request.


Darlene Mathews

Date 7-9-2010

Date

Application #

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



AFFIDAVIT

(See next page for instructions.)

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David Hodge
of (1) MAILING ADDRESS 37 W. Broad St., Suite 725, 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 ADDRESS CARD FOR PROPERTY 2533 / 2553 Cleveland Avenue
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) _____
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNER'S NAME AND MAILING ADDRESS (4) Masjid as Sahaba, et al.
2535 Cleveland Ave.
Columbus, OH 43221

APPLICANT'S NAME AND PHONE # (same as listed on front of application) Masjid as Sahaba
439-3829

AREA COMMISSION OR CIVIC GROUP AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS (5) North Linden Area Commission
c/o Mr. Walt Reiner
5030 Westerville Rd., Columbus, OH 43231

and that the following 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:

(6) PROPERTY OWNER(S) NAME (6A) ADDRESS OF PROPERTY (6B) PROPERTY OWNER(S) MAILING ADDRESS
Please see attached list.

(7) Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT (8) David Hodge
Subscribed to me in my presence and before me this 12th day of July, in the year 2010
SIGNATURE OF NOTARY PUBLIC (8) Natalie C. Patrick
My Commission Expires: 9/4/2010



NATALIE C. PATRICK
Notary Public, State of Ohio
My Commission Expires 09-04-10



STATEMENT OF HARDSHIP

APPLICATION # _____

3307.09 Variances by Board.

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). No variance shall be granted unless the Board finds that all of the following facts and conditions exist:
 - 1. That special circumstances or conditions apply to the subject property that do not apply generally to other properties in the same zoning district.
 - 2. That the special circumstances or conditions are not the result of the actions of the property owner or applicant.
 - 3. That the special circumstances or conditions make it necessary that a variance be granted to preserve a substantial property right of the applicant which is possessed by owners of other property in the same zoning district.
 - 4. That the grant of a variance will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of this Zoning Code.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

I have read Section 3307.09, Variances by Board, and believe my application for relief from the requirements of the Zoning Code satisfies the four criteria for a variance in the following ways:

Please see attached statement.

Statement of Hardship

2533 / 2553 Cleveland Avenue

The applicant is currently changing the use of the building at 2533 Cleveland Avenue from its previous retail use to a place of worship use. Pursuant to the Columbus City Code, places of worship require 1 parking space for every 30 feet of worship area. This requirement poses a practical difficulty to this use along the urban Cleveland Avenue corridor. In the Islamic faith there are 5 daily prayers, with Friday being the primary Holy day. During daily prayers at the subject property no parking issue is created and the existing parking facilities are able to accommodate all worshippers, except for during the Friday afternoon prayer. The applicant is requesting a series of variances that provide a creative solution to solving a parking issue at this location. Part of this creative solution is the use of the existing parking facilities to the north by agreement with that property owner, 2553 Cleveland Avenue, whose property is included in this variance request. The variances requested for each property are separately identified as follows:

2533 Cleveland Avenue

3312.09, Aisle.

This section requires a 20 foot aisle, where the applicant is proposing to provide an aisle of approximately 13 feet. This variance request is to legitimize an existing condition.

3312.25, Maneuvering.

This section requires every parking space to have sufficient access and maneuvering area, where the applicant is requesting a variance to permit parking stacked parking spaces, certain parking spaces will be accessed through other parking spaces rather than through maneuvering areas. This stacking scenario, while unusual, is appropriate for this type of use where individuals arrive and leave at or about the same time, are worshipping together, and friendly and cooperative with one another such that no issue is created by having stacked parking spaces. The fact is, the stacking scenario is a situation that currently exists at the site. This stacked parking provides a common-sense solution to an existing problem, it will provide for more organized parking and assist in legitimizing the religious use of the property.

3312.49, Minimum number of parking spaces required.

This section would require that 92 parking spaces be provided and the applicant is providing 36 spaces on their property, the parking variance request is therefore a 56 space reduction. However, under the Cleveland Avenue Overlay, which does not apply to this property due to the fact the property is developed and this request only technically applies to an existing parking lot, this property would be entitled to a parking reduction as a place of worship of 25%, which would bring the variance request down to 33 parking spaces. If the property were not a place of worship it would be entitled to a 50% parking

reduction, as many property uses are in the Cleveland Avenue Overlay, which would bring the request down to 10 parking spaces. These percentage reductions are in recognition of the fact that there is abundant on-street parking along the corridor.

If the parking spaces at 2553 Cleveland Avenue, which the applicant has an agreement to use, could be counted, the parking reduction would be 33 spaces, 10 spaces with a 25% reduction, and with a 50% reduction there would be a 13 parking space surplus.

Again, there is never a parking shortage for the place of worship use except for during the Friday afternoon prayer. This property owner should not be held to the strict requirement of the Code due to the practical difficulty it faces in using this property for a use permitted in the underlying zoning classification.

This section would further require that 3 bike racks be provide, where the applicant is proposing to provide zero.

2553 Cleveland Avenue

A neighborly, cooperative relationship exists between the owners of 2533 and 2553 Cleveland Avenue. The owner of 2553 Cleveland Avenue has agreed to permit limited parking in its lot. In order to maximize the available parking, variances are requested on these lots to 3312.09, to legitimize the existing aisle width, and 3312.25 to permit access to certain parking spaces through another parking space.

These variance requests are reasonable and provide a creative solution to the practical difficulties faced by these property owners. A place of worship is a permitted use of the property, however strict application of the parking requirement to this applicant renders the property unusable for this permitted use. The grant of the requested variances will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the Zoning Code. The applicant respectfully requests that the Board of Zoning Adjustment grant these variance requests.

Masjid as Sahaba

Signature of Applicant: By: David Hudg

Date: 7 / 12 / 2010

masjid.stmnt
7/8/2010



Signature of Applicant _____ Date _____

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 APPLICATION # _____
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge
of (COMPLETE ADDRESS) 37 W. Broad St., Suite 725, 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 and their mailing addresses:

NAME COMPLETE MAILING ADDRESS

Masjid as Sahaba
2535 Cleveland Ave., Columbus, OH 43221

Darlene Mathews
4519 Crooked Cedar Dr., New Albany, OH 43054

SIGNATURE OF AFFIANT

David Hodge

Subscribed to me in my presence and before me this 12th day of July, in the year 2010

SIGNATURE OF NOTARY PUBLIC

Natalie C. Timmons

My Commission Expires:

9/4/2010



Notary Seal Here
NATALIE C. PATRICK Timmons
Notary Public, State of Ohio
My Commission Expires 09-04-10



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dlh

DATE: 6/30/10



Disclaimer

Scale = 200

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



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: 010059304

Zoning Number: 2553

Street Name: CLEVELAND AVE

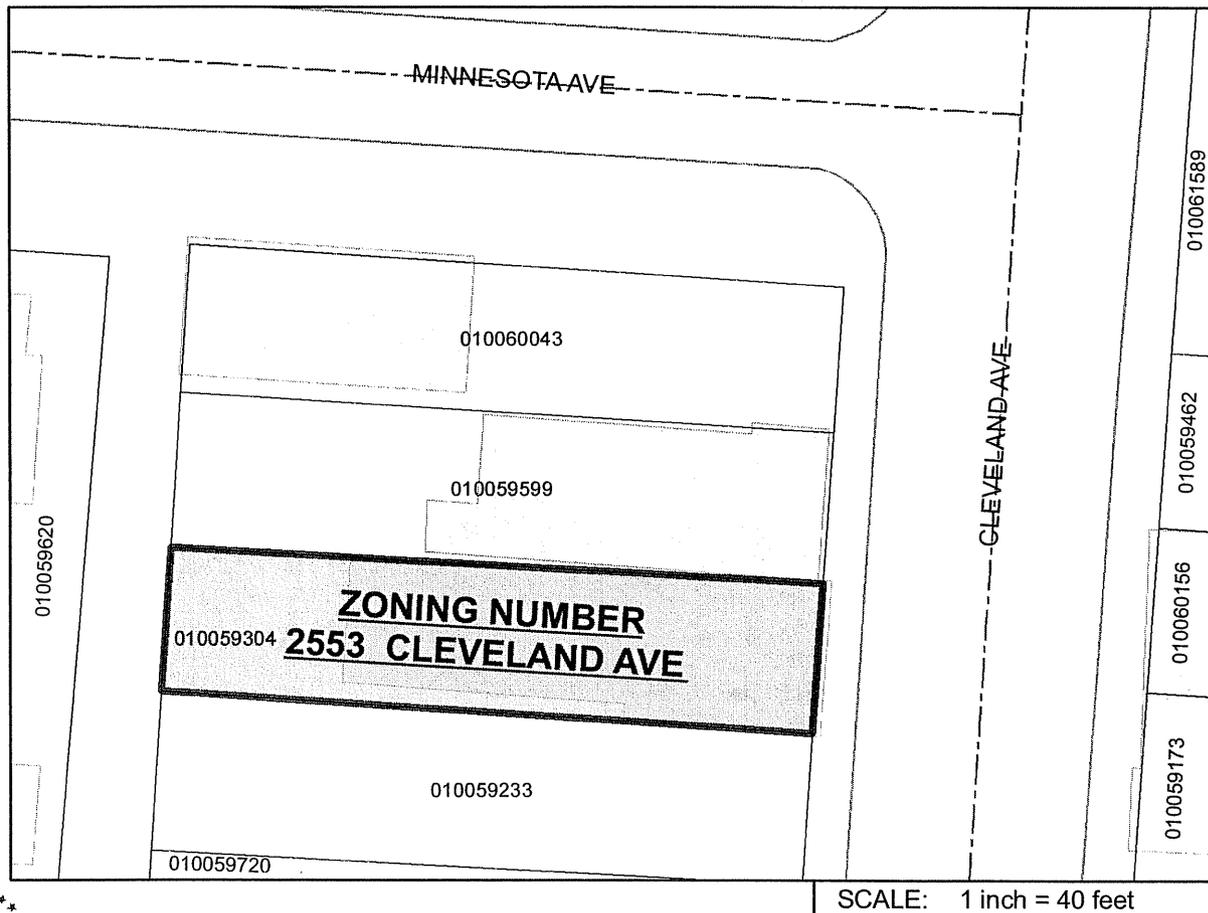
Lot Number: 709

Subdivision: LINDEN

Requested By: SMITH AND HALE

Issued By: *Patricia Austin*

Date: 7/2/2010



SCALE: 1 inch = 40 feet

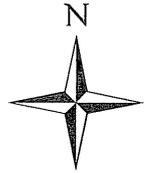
GIS FILE NUMBER: 6085



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



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: 010060065

Zoning Number: 2533

Street Name: CLEVELAND AVE

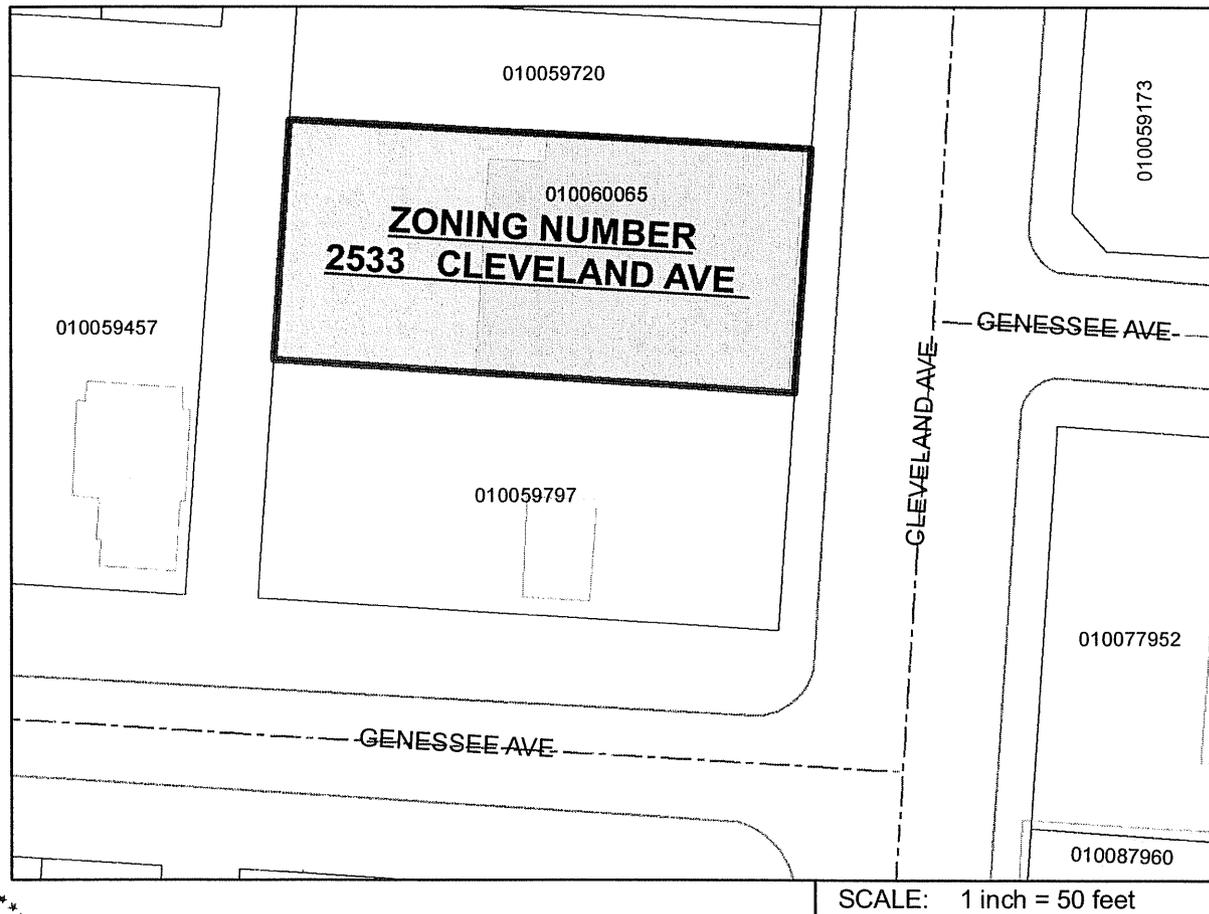
Lot Number: 712-13

Subdivision: LINDEN

Requested By: SMITH AND HALE

Issued By: *Patricia Austin*

Date: 7/2/2010



SCALE: 1 inch = 50 feet

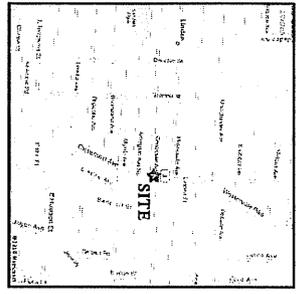
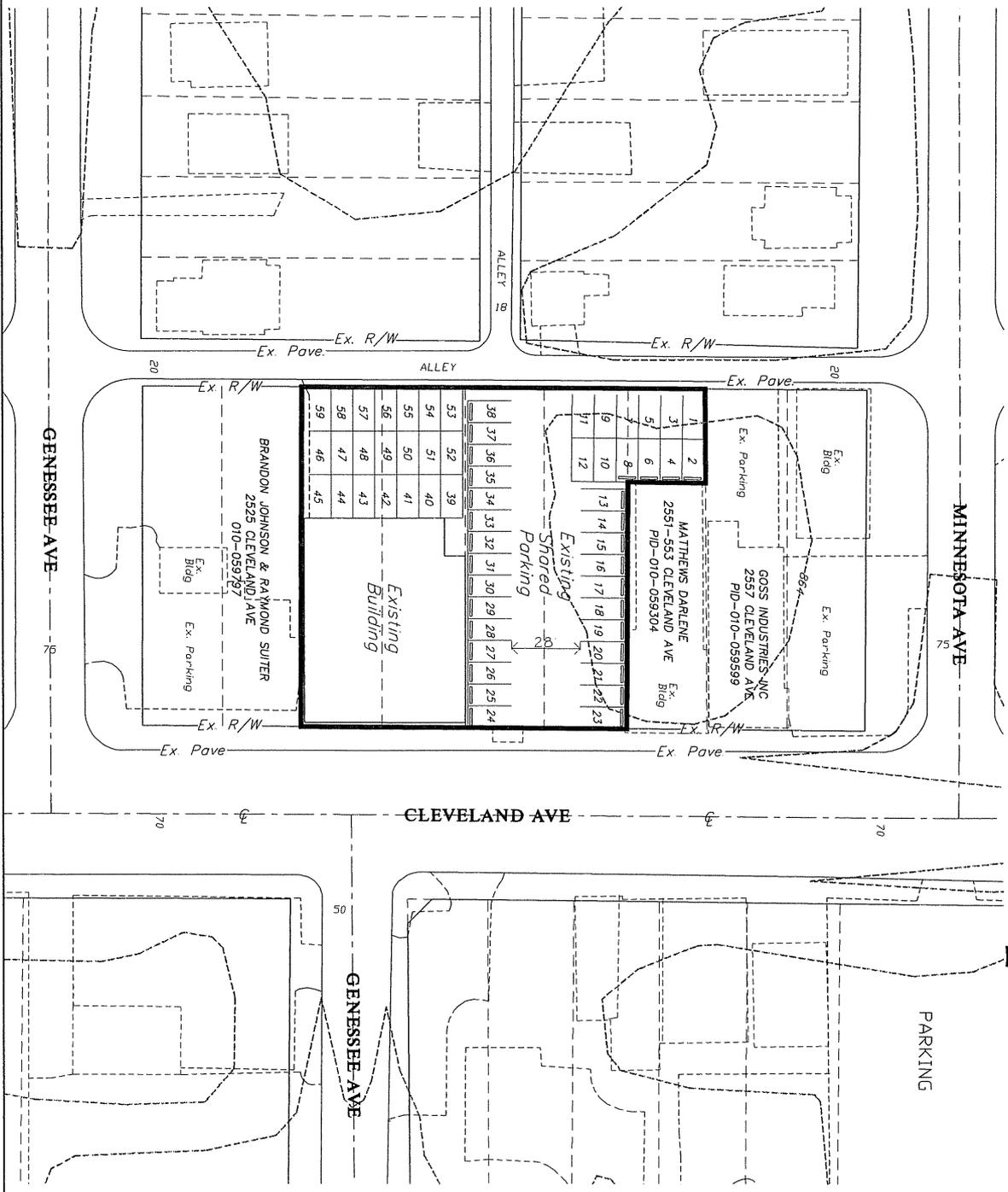
GIS FILE NUMBER: 110



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

Cleveland Avenue Mosque

SITE PLAN FOR:



SITE STATISTICS:

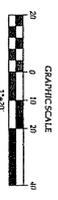
TOTAL LOT AREA: 0.45 ACRES
 ZONING CLASSIFICATION: R-1
 LIST OF PARCELS:
 010-080655 owned by Mr. Santos Muzil
 010-052223 owned by Duane Mathews
 010-053204 owned by Duane Mathews

NOTE: 1/2" Owner is not adding any new structures or impervious surface to the site. Only the Existing Building and Existing Parking.

PREPARED FOR:
MASJID AS-SAHABA
 5024 SUPER SLOTTED CR
 DELAWARE OHIO 43015

Prepared By:

WATCON
 CONSULTING ENGINEERS & SURVEYORS
 42230
 Johnson Ohio
 Ph: (614) 414-7979



DATE: JULY 12, 2010