



BOARD OF ZONING ADJUSTMENT 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: 11310-0-00144
Date Received: 3/16/11
Commission/Group: Italian Village
Existing Zoning: _____ Application Accepted by: D. Reiss Fee: \$630⁰⁰
Comments: Hearing Date: 5/24/11

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.

VARIANCE APPLICATION TO ADD

LOCATION

1. Certified Address Number and Street Name 27-29 East Second Ave
City Columbus State Ohio Zip 43201
Parcel Number (only one required) 010-280844

APPLICANT: (IF DIFFERENT FROM OWNER)

Name Tony McCleary
Address 6253 Post Rd City/State Columbus Zip 43017
Phone # 614-495-1602 Fax # 630-741-0633 Email cm4themhomes@gmail.com

PROPERTY OWNER(S):

Name Tony McCleary
Address 6253 Post Rd City/State Ohio Zip 43017
Phone # 614-495-1602 Fax # 630-741-0633 Email cm4themhomes@gmail.com
 Check here if listing additional property owners on a separate page.

ATTORNEY / AGENT (CHECK ONE IF APPLICABLE)

Attorney Agent

Name _____
Address _____ City/State _____ Zip _____
Phone # _____ Fax # _____ Email: _____

SIGNATURES (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

APPLICANT SIGNATURE _____
PROPERTY OWNER SIGNATURE _____
ATTORNEY / AGENT SIGNATURE _____

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

One Stop Shop Zoning Report

Building Services Division Department of Development

Report date: 3/22/2011 2:48:19 PM

Parcel Report

Parcel ID	Owner	Address
010280844	MCCLEERY ANTHONY W ET AL	No Address Available OH

Base Zoning Report

Case Number	Classification	Height District	Map Number	General Zoning Category	Limitation Text
Z73-025	R4	H-35	28	Residential	(View Document)

Historic District

District Name
Italian Village

Zoning Overlay District

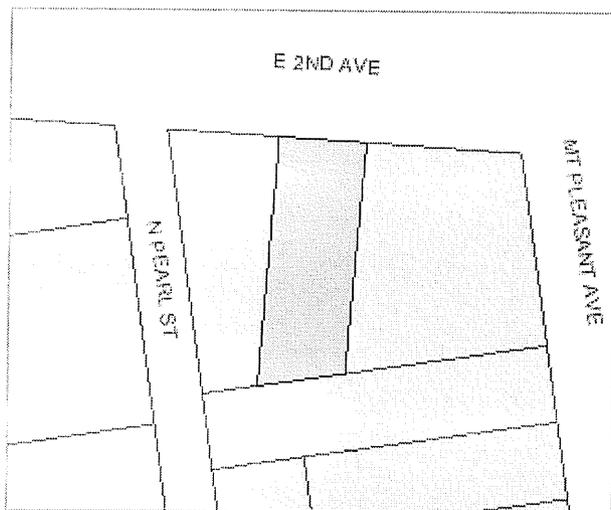
Overlay Name	District Name	Planning Overlay
I-670 Graphics Control	PLANNING OVERLAY	G
I-670 Graphics Control	PLANNING OVERLAY	G

Flood Zone

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

Area Commissions

Area Name	INFObase URL
Italian Village 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.

11310-00144
27-29 E. 2nd Ave.



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STATEMENT OF HARDSHIP

11310-00144

27-29 E. 2nd Ave.

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 does 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:

IT HAS BEEN A GOAL OF COLUMBUS TO INCREASE THE POPULATION IN THE SHORT NORTH AREA. MANY LARGE SCALE CONDO PROJECTS HAVE RESULTED BUT ANTHEM HOMES' GOAL IS TO REJUVENATE THE EXISTING HISTORICAL BUILDINGS AND IMPROVE THE PROPERTIES. SINCE THE PROPERTIES ARE HISTORICALLY SMALL WITH PRE-EXISTING CONDITIONS THAT DO NOT CONFORM TO THE MODERN CODE, VARIANCES ARE USUALLY REQUIRED TO ADD AMENITIES SUCH AS PARKING SPACES. ITALIAN VILLAGE GUIDELINES APPROVE OF ASPHALT & CONCRETE PARKING AREAS. WITHIN 125 FOOT RADIUS THERE ARE APPROX. 12-15 ON-STREET PARKING SPOTS FOR APPROX. 40 UNITS (100+ BEDROOMS) WHICH IS VERY INADEQUATE. THE ORIGINAL DEVELOPER OF THIS PROPERTY GRANTED AN 8' RIGHT OF WAY FROM PEARL ST. TO PROVIDE VEHICLE ACCESS TO THE REAR OF 27-29 E 2ND AVE. IT IS THE OWNERS' RIGHT TO USE THIS RIGHT-OF-WAY.

Signature of Applicant

Date

3/13/2011

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<u>ORC Section</u>	<u>Title</u>	<u>Existing Measurement</u>	<u>Pre-existing Variance</u>	<u>Proposed Measurement</u>	<u>Proposed Variance</u>
X	3332.037	R4-F Residential / 2 Family			
		Lot Area Sq. Ft.	3190	3190	
		Dwelling Area Sq. Ft. (Lot Coverage - porch)	1187.2	1187.2	
		Rear Stoops 2x (4.5' x 8.5')	76.5	76.5	
		Side Stoops 2x (8' x 3')	48	0	
		Covered Porch (6.5' x 27')	175.5	175.5	
		Total Lot Coverage Sq. Ft.	1487.2	2395.2	
		Lot Coverage % of Total	46.60%	75.10%	
		Rear Yard (- stoops) Sq. Ft	1325.1	417	380
		Rear Yard % of Total	41.5%	13.1%	11.9%
		Rear Yard required (25%)	797		
✓	3312.29	Proposed Parking 1 & 2 9x16 (144) S. F.	n/a	9x18 to 9x16	Reduce length by 2.0 feet
✓	3312.29	Proposed Parking 3 & 4 8.5x16 (136) S. F.	n/a	9x18 to 8.5x16	Reduce Lth 2.0 ft, Reduce Width 0.5 ft
✓	3332.05	FROM 50 Foot Lot Width Minimum	TO 34 Feet	16 Feet	same
✓	3332.14	3000 Sq. Ft. Min. Area per Dwelling (6000) FROM	TO 3190 Sq. Feet	2810 Sq. Ft. (46.8%)	same
✓	3332.18 (D)	Basis of Computing Area - 50% Max Lot Coverage	FROM 1487.2sf. (46.6%)	n/a	TO 2395.2 sf. (75.1%) + 800 sf (25.1%)
✓	3332.25	Maximum Side Yards FROM Required (20%Width/6.8 ft)	TO 2.4 + 3.0 = 5.4ft (15.9%)	reduce by 1.4 ft (4.1%)	same
✓	3332.26(C)(3)	Minimum Side Yard FROM Permitted (5 ft. min)	TO East side 2.4 ft West side 3.0 ft	East side 2.6 ft West side 2.0 ft	same
✓	3332.27	Rear Yard (25% min)	FROM 1325.1 sf (41.5%)	n/a	TO 417 sf (12.5%) 380 sf (11.9%)
✓	3312.25	FROM Maneuvering 20' radius min ?	n/a	n/a	TO turning radius 17.75 ft reduce radius by 2.25 ft
? ✓	3312.13	FROM Driveway access (10 ft)	TO 8 feet	Reduce by 2 feet	Same
X	3342.28(A)(6)	Minimum Number of Parking Spaces Req'd (4)	none	Reduction of 4 spaces	0

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27-29 E. 2nd Ave.

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27-29 E. 2nd Ave.

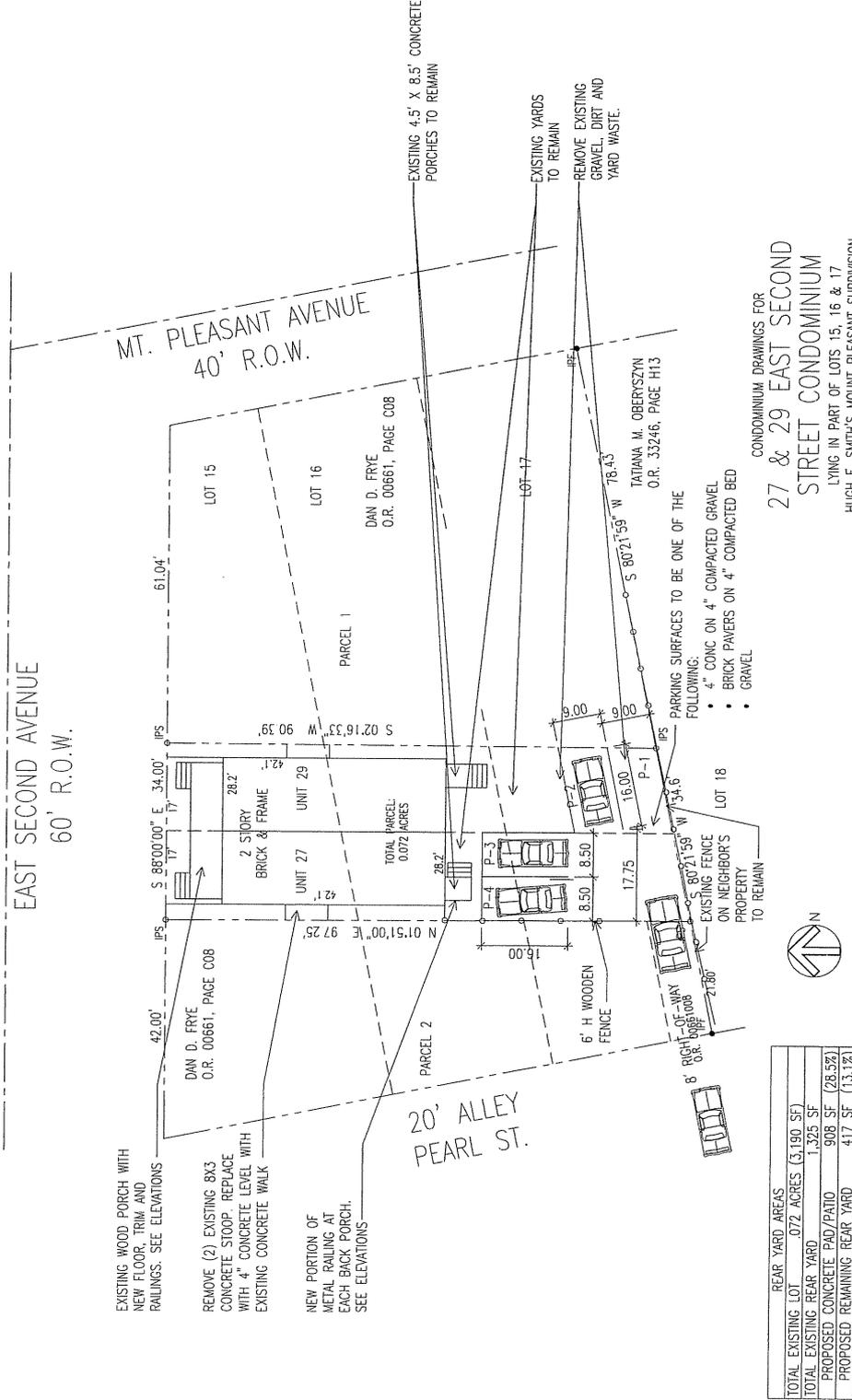
SITE PLANS

JOB NO: 1009
 DATE: 03/11/11
 DRAWN BY: MAF
 SCALE: AS NOTED

**Second Ave.
 Renovation**

27 & 29 E. Second Ave
 Columbus, Ohio 43201

C1



A SITE PLAN - 4 CAR OPTION
C1

LEGEND

- ⊙ IPF 3/4" IRON PIN FOUND
- IPS IRON PIN SET

ALL IRON PINS SET ARE 3/4" I.D. IRON PIPES
30" LONG, W/ RED PLASTIC CAP STAMPED
"LANDMARK SURVEY"

FLOOD NOTE:

THE SUBJECT PROPERTY LIES IN ZONE X (AREA DETERMINED TO BE OUTSIDE THE 500 YEAR FLOODPLAIN), AS DETERMINED BY GRAPHIC INTERPOLATION FROM THE FLOOD INSURANCE RATE MAP NUMBER 390170 0232H, WITH AN EFFECTIVE DATE OF MARCH 16, 2004, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

-  LIMITED COMMON ELEMENTS TO UNIT 27
-  LIMITED COMMON ELEMENTS TO UNIT 29

BASIS OF BEARINGS:

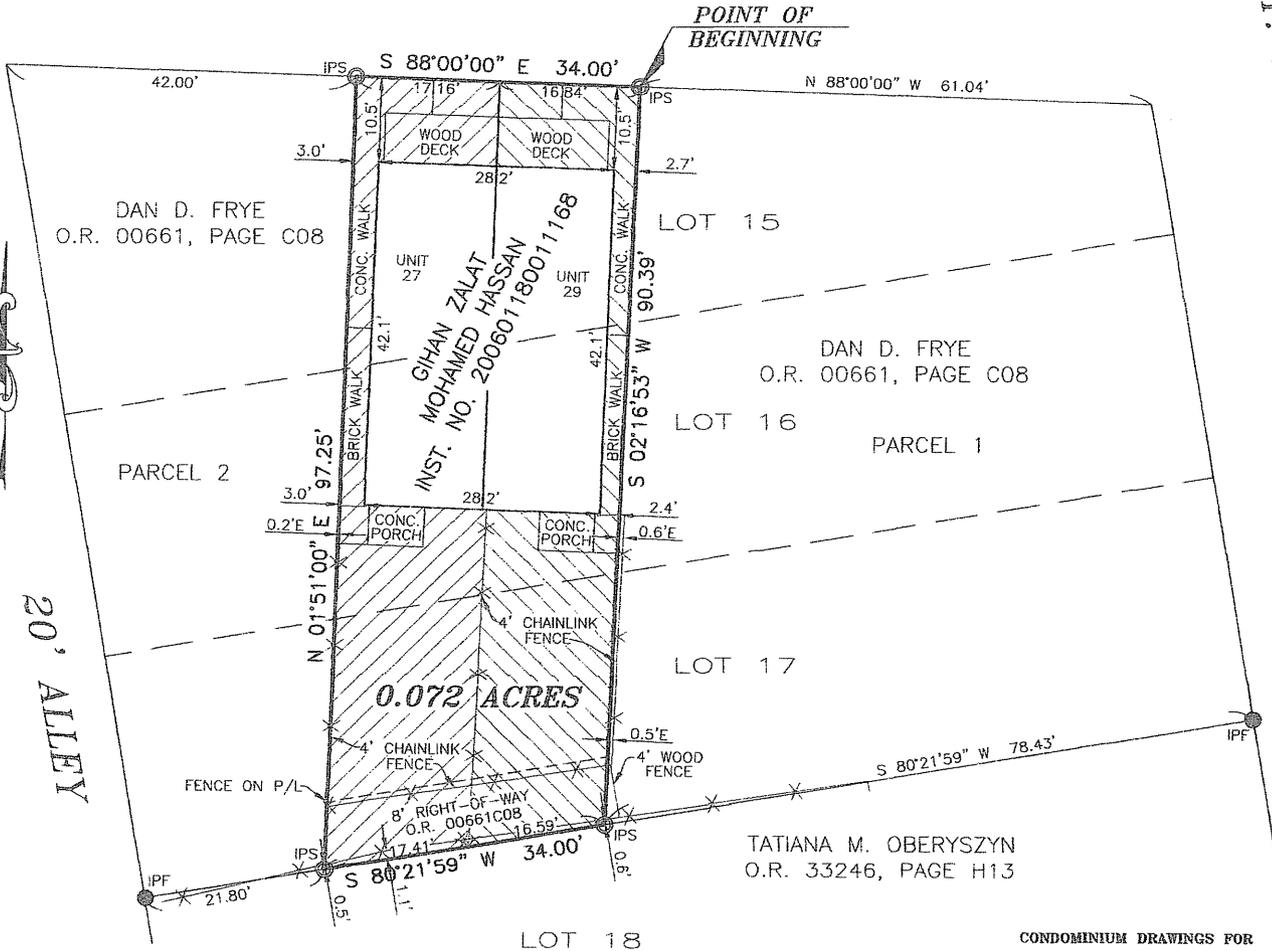
THE BEARINGS SHOWN HEREON ARE BASED ON THE BEARING OF S 88°00'00" E FOR THE SOUTH LINE OF EAST SECOND STREET AND ARE USED TO DENOTE LOT ANGLES ONLY.

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27-29 E. 2nd Ave.

EAST SECOND AVENUE 60'

MT. PLEASANT AVENUE 40'



I HEREBY CERTIFY THAT THIS DRAWING, CONSISTING OF SHEET 1 OF 6, ACCURATELY REFLECT THE LOCATION OF IMPROVEMENTS AND RECORDED EASEMENTS LISTED IN A CURRENT TITLE COMMITMENT (IF PROVIDED).

Scott D. Grundel
SCOTT D. GRUNDEL, P.S.
REGISTERED SURVEYOR NO. 8047
4/20/06
DATE



Condominium Declaration
200604280050433

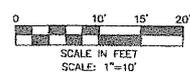
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I HEREBY CERTIFY THAT THESE DRAWINGS, CONSISTING OF SHEETS 1 THRU 6, ACCURATELY SHOW EACH BUILDING AS BUILT OR CONSTRUCTED.
Behzad Vedaie
REGISTERED ARCHITECT NO. 54043
4/25/06
DATE

**CONDOMINIUM DRAWINGS FOR
27 & 29 EAST SECOND STREET
CONDOMINIUM**

LYING IN
PART OF LOTS 15, 16 & 17
HUGH E. SMITH'S MOUNT PLEASANT SUBDIVISION
PLAT BOOK 6, PAGE 14-B
SECTION 5, TOWNSHIP 5, RANGE 22
REFUGEE LANDS
CITY OF COLUMBUS, COUNTY OF FRANKLIN
STATE OF OHIO



LS LANDMARK SURVEY GROUP, INCORPORATED
2099 WEST FIFTH AVENUE, COLUMBUS, OHIO 43212
PHONE: (614) 485-9000 FAX: (614) 485-9003
REVISED: 4/18/06
DATE: 1/27/06
FILE NO. 80639



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 1/19/11



Disclaimer

Scale = 66'



This map is prepared for the real property inventory within this county. It is based on survey plats, and other public records and data. Users of this map are not information sources should be consulted for verification of the information. The county and the mapping companies assume no legal responsibilities for the accuracy of the information. Please notify the Franklin County GIS Division of any discrepancies.

11310-00144
27-29 E. 2nd Ave.



City of Columbus
Mayor Michael B. Coleman

Department of Development

Boyce Safford III, Director

757 Carolyn Avenue, Columbus, OH 43224

Date of Service/Posting _____

Order Number: 10444-00001

Parcel Number:
010-280844

ANTHONY W MCCLEERY ET AL
7762 BROACK RD
PLAIN CITY OH 43064

ZONING CODE VIOLATION ORDER

Re: 27-29 E 2ND AVE

An inspection has been made at the above address on November 26, 2010.

As provided by the Columbus City Code you are hereby given notice to correct the alleged violations listed below within 20 calendar days of the service of this notice unless otherwise noted in this notice, or an approval for a written request for extension is granted by this office.

Note: Failure to comply with this notice is a Misdemeanor of the Third Degree and may be punishable by a \$500 fine and sixty (60) days imprisonment.

If the facts represented here are incorrect, or if you believe the law is not being interpreted properly, you have the basis for an appeal. If you believe an appeal is in order, call the undersigned Property Maintenance Inspector. Pursuant to the Columbus City Code Section 3307.07: The Board of Zoning Adjustment shall not entertain any appeal applied for more than twenty (20) days after the date of this order. Also pursuant to Columbus City Code Section 3307.11: Said appeal shall be submitted on a form provided for that purpose and filed in the office of the Building Services Section.

For further information on this notice contact the undersigned Code Enforcement Officer.

SEE LIST OF VIOLATIONS ON THE ATTACHED PAGE(S)

by


Andy Baumann
Code Enforcement Officer
(614) 645-7292
AJBaumann@Columbus.Gov

ZC-7
REV 09/09
11292010

11310-00144
27-29 E. 2nd Ave.

ITEM#	CODE SECTION	COMMENTS
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Zoning Violations

- | | | |
|---|---------|--|
| 1 | 3305.01 | Certificate of zoning clearance
This property requires a certificate of Zoning Clearance due to the following change:
INSTALLATION OF DRIVEWAY AND PARKING LOT AT THE REAR OF ABOVE ADDRESS.
CONTACT JOHN ROSENBERRY AT 645-1984 FOR MORE INFORMATION. |
| 2 | 3312.13 | Driveway
DRIVEWAY ACCESS TO PARKING AREA/LOT IS REQUIRED TO BE A MINIMUM OF
TEN(10) FEET WIDE. |
-

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3312.13 - Driveway.

A driveway is any access corridor leading from a public right-of-way to a parking lot, aisle, parking circulation area, garage, off-street parking space, or loading space. The Department of Public Service shall limit points of driveway access from residentially zoned lots abutting both an improved alley and street.

Each driveway shall be located and designed in a manner that provides for the safety of motorists and pedestrians.

- A. A driveway serving a residential parking area containing one to eight parking spaces shall have a minimum width of ten feet and a maximum width of 20 feet measured at the street right-of-way line.
- B. All other driveways shall have a minimum width of 20 feet and a maximum width of 35 feet measured at the street right-of-way line.
- C. The minimum and maximum driveway widths as described in 3312.13A and 3312.13B may be varied with the consent of the Administrator of the Department of Public Service, Division of Planning and Operations or designee, in consultation with the Division of Fire.

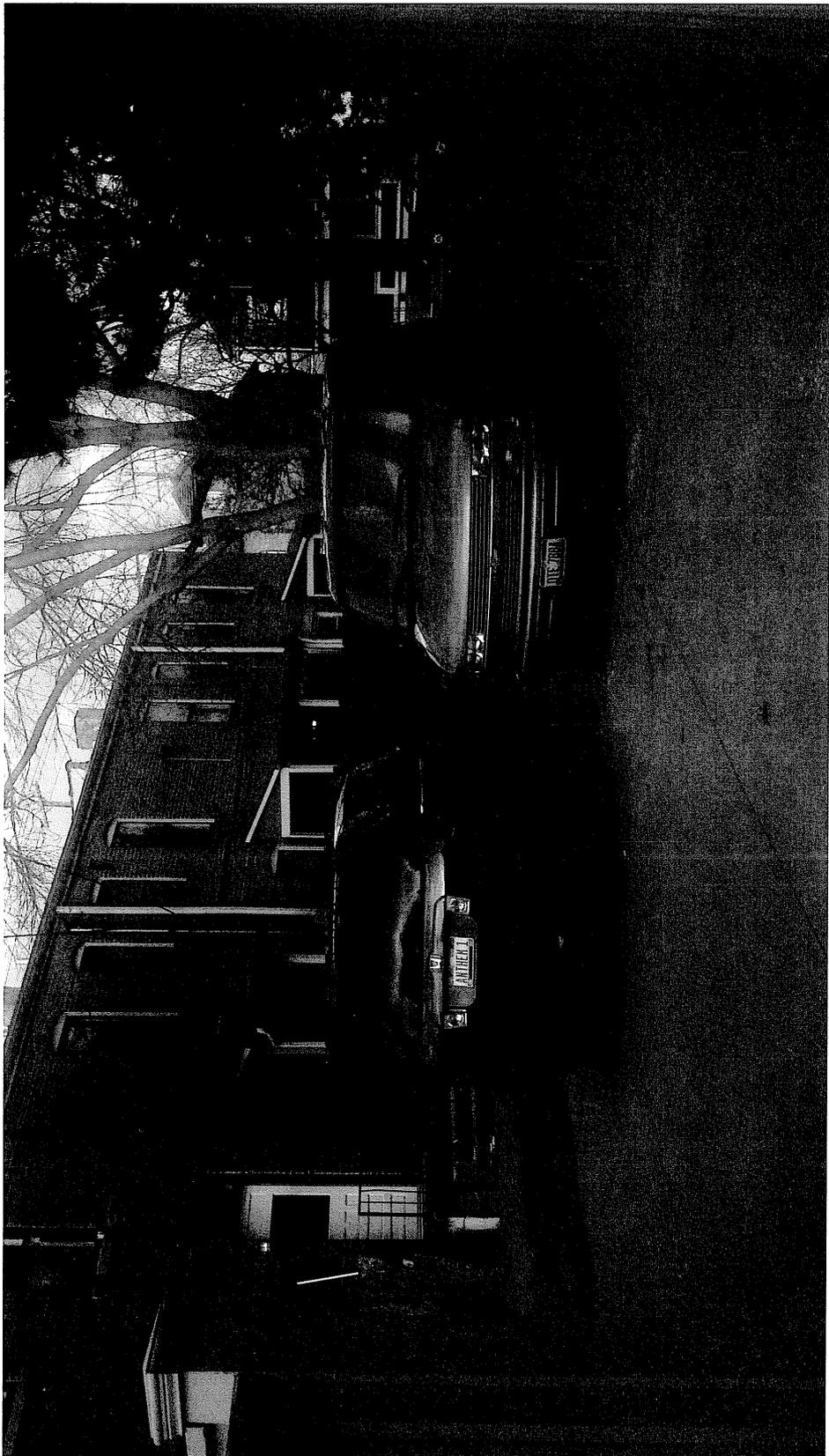
(Ord. No. 1537-2009, § 8, 5-3-2010)

3312.29 - Parking space.

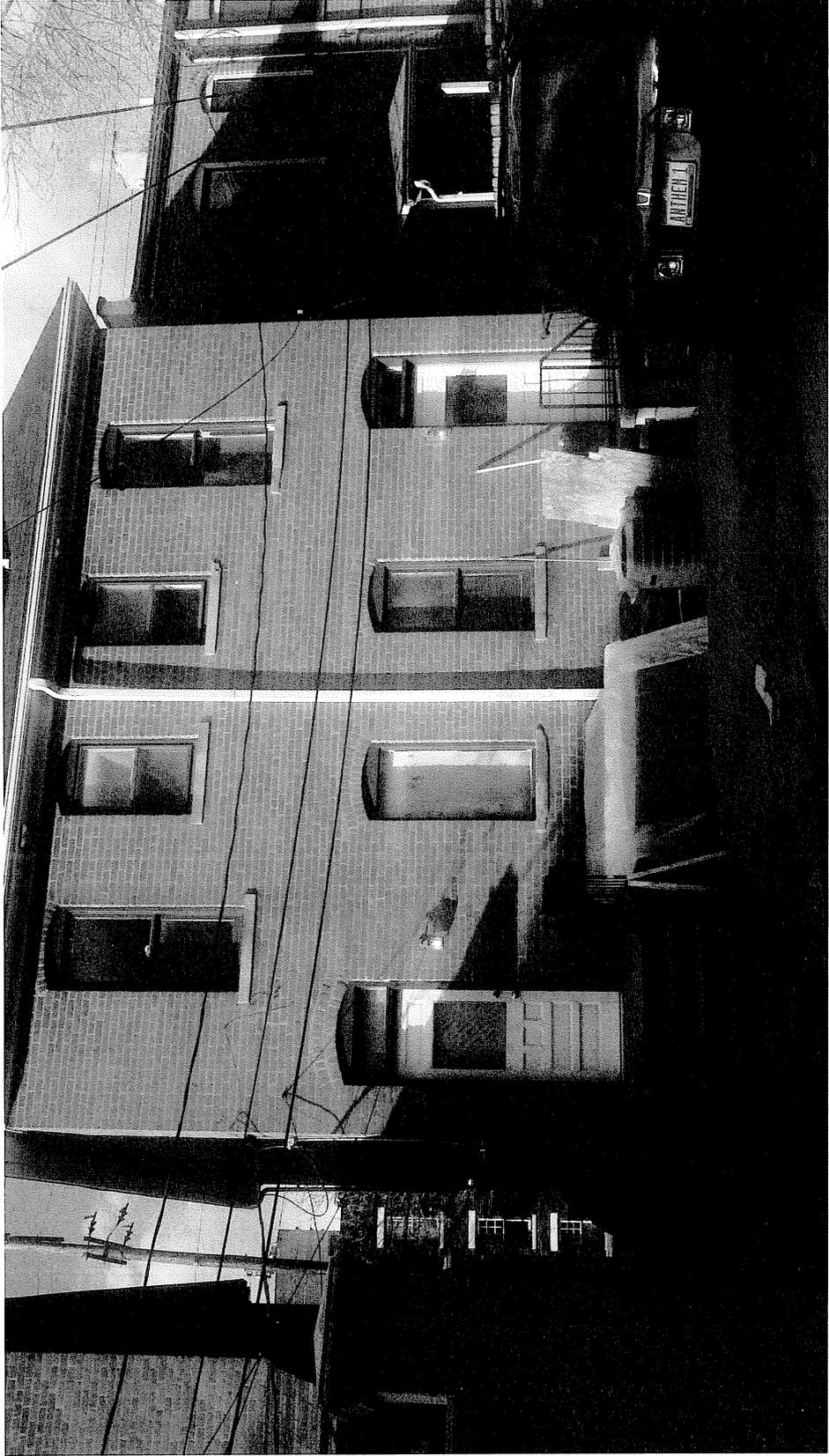
- A. A parking space shall be a rectangular area of not less than nine feet by 18 feet, exclusive of any driveway or other circulation area; shall be accessible from a street, alley, or maneuvering area; and shall be designed for parking a motor vehicle. Exception: For single-family and two-family dwellings, and multi-family units with individual garage/driveway arrangements, one vehicle may be stacked behind each required off-street parking space and be located between the parking setback line and the street right-of-way line. For such dwellings, stacked parking shall be located in a driveway, and not in any other part of a required yard. These stacked parking spaces may not be counted as required parking spaces for units not served directly by the driveway/garage. Required vision clearance shall be maintained.

(Ord. No. 1537-2009, § 8, 5-3-2010)

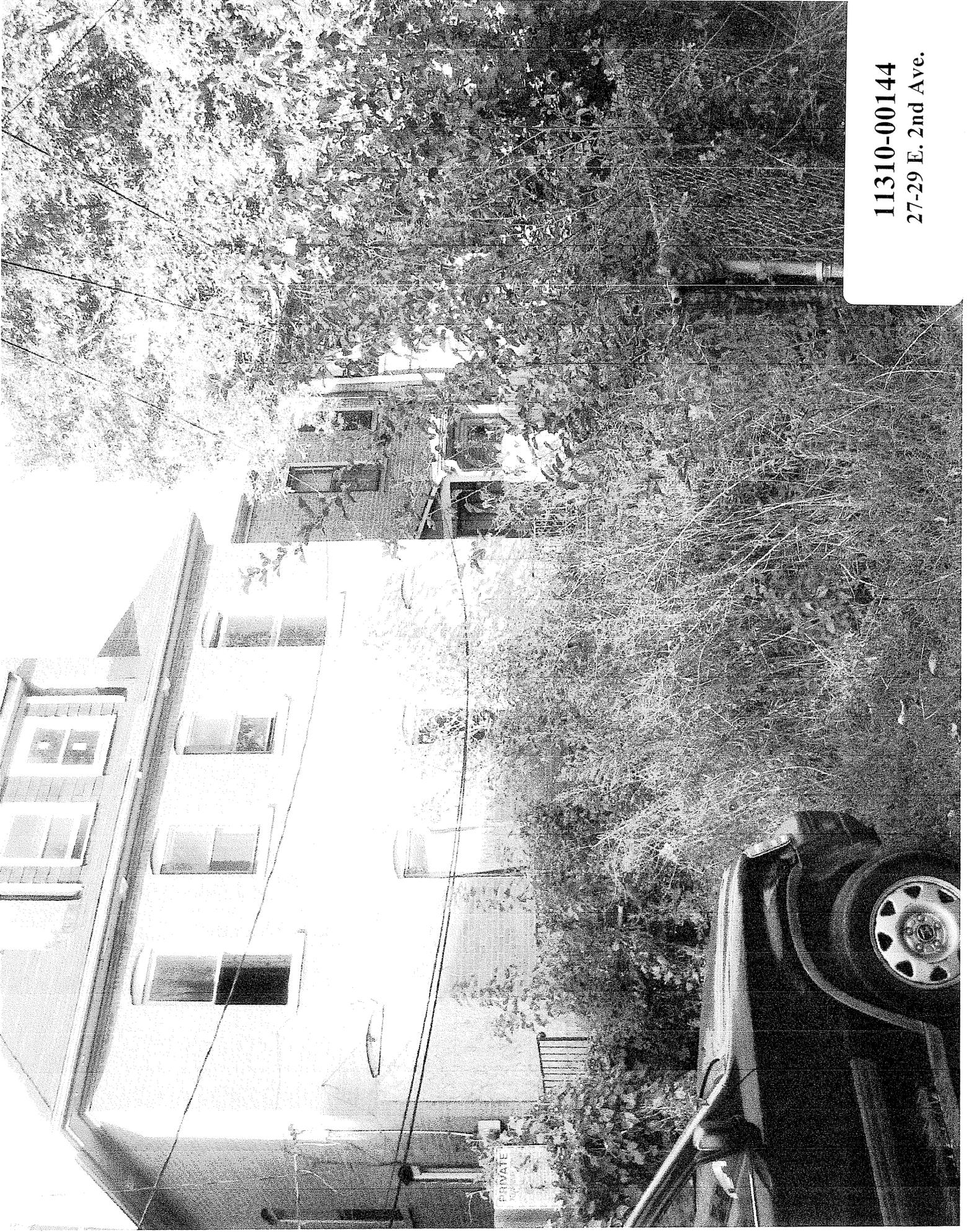
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PROJECT DISCLOSURE STATEMENT

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 provided.

11310-00144
27-29 E. 2nd Ave.

APPLICATION # _____

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) ANTHONY W. McCleery
of (COMPLETE ADDRESS) 6253 POST RD., DUBLIN OH 43017
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

ANTHONY W. McCleery 6253 POST RD., DUBLIN OH 43017

SIGNATURE OF AFFIANT

Anthony W. McCleery

Subscribed to me in my presence and before me this 16th day of March, in the year 2011

SIGNATURE OF NOTARY PUBLIC

David J. Reiss

DAVID J. REISS

NOTARY PUBLIC - STATE OF OHIO

My Commission Expires:

MY COMMISSION EXPIRES MAY 30, 2015

Notary Seal Here

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