



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:

Planning Area: _____ Received By: D Hitt

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 2555 Indianola Avenue Zip 43202

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. N/A

Parcel Number for Certified Address 010-010777

If applicable, check here if listing additional parcel numbers on a separate page [Required]

Current Zoning District(s) C-4, Commercial

Recognized Civic Association or Area Commission University Area Commission

Proposed use or reason for Council Variance request: To permit existing ground floor residential use

Proposed Height District: H-35, existing in C-4. See Statement of Hardship. Acreage 0.198 +/- AC (9,642 sq.ft)
[Columbus City Code Section 3309.14]

APPLICANT: Name Dean W. Fried, Trustee of the Declaration of Trust of Dean Plank Law Firm dated 12-06-2006 C/O Donald Plank, Attorney
Address 145 East Rich St. 3rd Flr. City/State Columbus, OH Zip 43215
Email dplank@planklaw.com

PROPERTY OWNER(S): Name Dean W. Fried, Trustee of the Declaration of Trust of Dean Plank Law Firm dated 12-06-2006, C/O Donald Plank
Address 145 East Rich St., 3rd Flr. City/State Columbus, OH Zip 43215
Email dplank@planklaw.com

If applicable, check here if listing additional property owners on a separate page [Required]

ATTORNEY / AGENT Attorney Agent

Name Donald Plank, Plank Law Firm

Address 145 East Rich St., 3rd Flr. 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

PROPERTY OWNER SIGNATURE Donald Plank attorney

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: 614-645-8637
Please make all checks payable to the Columbus City Treasurer



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: 010010777

Zoning Number: 2555

Street Name: INDIANOLA AVE

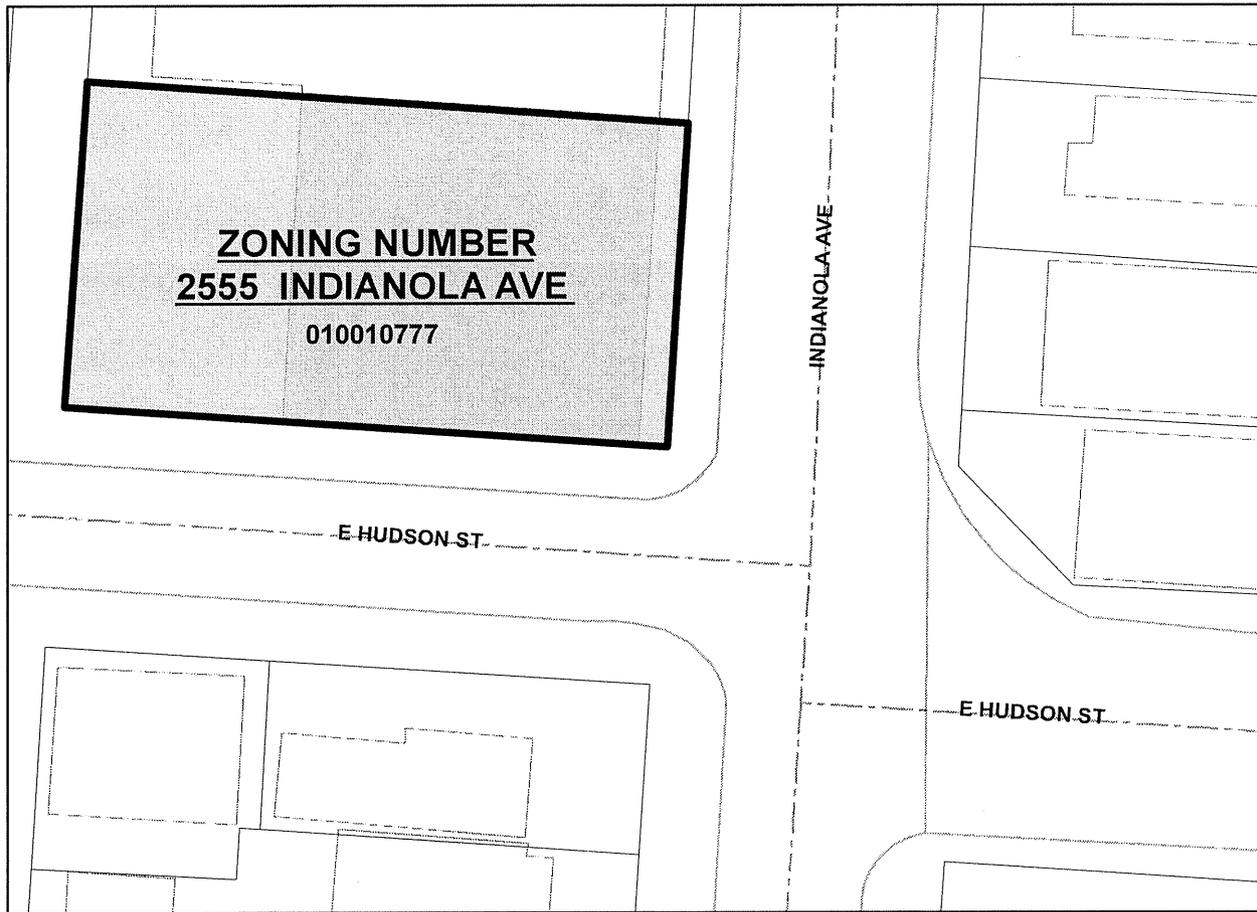
Lot Number: 334

Subdivision: GEO WILLIAMS

Requested By: THE DAVE PERRY CO (DAVE PERRY)

Issued By: *Patricia Austin*

Date: 12/6/2010



SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 404



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



CV11-004

**2555 Indianola Ave.
0.2± acres**



CV11-004

**2555 Indianola Ave.
0.2± acres**



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV11-004

STATE OF OHIO _____
COUNTY OF FRANKLIN _____

Being first duly cautioned and sworn (1) NAME DONALD PLANK, Plank Law Firm
of (1) MAILING ADDRESS 145 East Rich St., 3rd Flr., 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 2555 Indianola 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) 2/2/11

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS
Dean W. Fried, Trustee of the Dean W. Fried Declaration of Trust dated December 6, 2006
C/O Donald Plank, Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

APPLICANT'S NAME AND PHONE # (same as listed on front of application)
Dean W. Fried, Trustee of the Dean W. Fried Declaration of Trust dated December 6, 2006
C/O Donald Plank, 614-947-8600

AREA COMMISSION OR CIVIC GROUP
AREA COMMISSION ZONING CHAIR OR CONTACT PERSON AND ADDRESS
University Area Commission c/o Ron Hupman
1298 Hunter Avenue, Columbus, OH 43201

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)

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

SIGNATURE OF AFFIANT (8) Donald Plank
Subscribed to me in my presence and before me this 28th day of DECEMBER, in the year 2010
SIGNATURE OF NOTARY PUBLIC (8) 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

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Please make all checks payable to the Columbus City Treasurer

Exhibit A
2555 Indianola Avenue
CV
December 28, 2010

APPLICANT

Dean W. Fried Trust
c/o Donald Plank, Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

PROPERTY OWNER

Dean W. Fried Trust
c/o Donald Plank, Plank Law Firm
145 East Rich Street, 3rd Flr.
Columbus, OH 43215

ATTORNEY

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

COMMUNITY GROUP/COALITION:

University Area Commission
c/o Ron Hupman
1298 Hunter Avenue
Columbus, OH 43201

**SURROUNDING PROPERTY
OWNERS (125 Feet)**

William J. Dovell, Tr.
2565 Indianola Avenue
Columbus, OH 43202

Robert and Ann Reves
3207 North High Street
Columbus, OH 43202

James M Keith
2564 Indianola Avenue
Columbus, OH 43202

Daryl T. Gillette
2556 Indianola Avenue
Columbus, OH 43202

Joseph F. Conte Jr.
2538 Deming Avenue
Columbus, OH 43202

Crown Real Estate Investments Inc.
PO Box 20469
Columbus, OH 43220

Stephanie P. Dorcy
305 East Hudson Street
Columbus, OH 43202

Michael R and Diane M Clark
2531 Indianola Avenue
Columbus, OH 43202

Jeffrey A Thompson et al
4005 Cheseldine Road
London, OH 43140

Glenn A. Rodgers
2571 Indianola Avenue
Columbus, 43202

Christopher Rice
Corinne Martin
2580 Deming Avenue
Columbus, OH 43202

SHEET 1 of 2
December 28, 2010
CV11-004
2855 Indianola Avenue

Michael J. Moore
2578 Deming Avenue
Columbus, OH 43202

University Lofts LLC
c/o Northsteppe Realty
PO Box 82355
Columbus, OH 43202

Mark R and Jacqueline A Devine
5768 Sinclair Road
Columbus, OH 43229

Elizabeth A Gerling
2560 Indianola Avenue
Columbus, OH 43202

Robert M Young
2568 Indianola Avenue
Columbus, OH 43202

Stephen and Mary Sech
4751 Hunting Creek Drive
Grove City, OH 43123

Arthur L. Norton, Jr., Tr.
995 Rutland Way
Columbus, OH 43085

Oxford McCoy LLC
4235 Oxford Drive
Columbus, OH 43220

Diane A Brant, Tr.
84 East Longview Avenue
Columbus, OH 43202

United Dairy Farmers, Inc.
3955 Montgomery Road
Cincinnati, OH 45212-3798

ALSO NOTIFY:

David Perry
David Perry Co., Inc.
145 East Rich Street, 3rd Flr.
Columbus, Ohio 43215

Dean W. Fried
7921 Waterton Lane
Lakewood Ranch, FL 34202



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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
 Dean W. Fried, Trustee of the Dean W. Fried
 Declaration of Trust dated December 6, 2006
 BY: Donald Plank, Attorney

Date 12/28/2010
 December 28, 2010

EXHIBIT B

Statement of Hardship

2555 Indianola Avenue

CV11- 004

The property is zoned C-4 (original zoning) and is developed with a two-story brick building presently used as nine (9) apartments, with 3 apartments located on the first floor and 6 apartments located on the second floor. Applicant requests a variance from the C-4, Commercial District permitted uses to permit the continued use of the building with ground level residential use. Applicant requests the following variances:

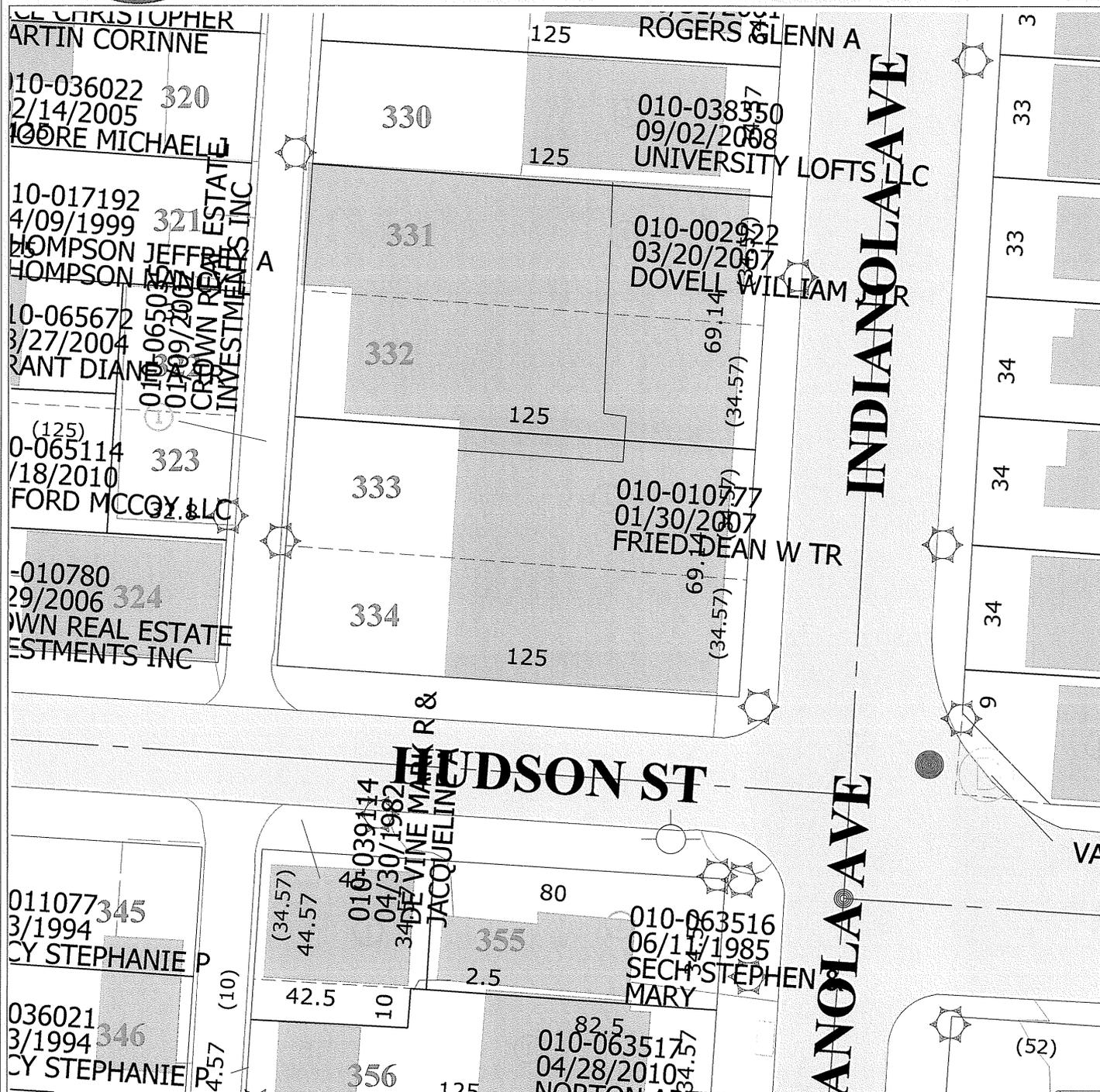
- 1) 3356.03, C-4 Permitted Uses, to permit ground level residential use consisting of three (3) apartments and second floor residential use (6 apartments) not located over a ground level commercial use.
- 2) 3312.25, Maneuvering Area, which Section requires each parking space to have 20 feet of maneuvering area for 90 degree parking spaces, while the existing parking lot utilizes stack parking and the public alley is a 16 foot right of way, thereby leaving 18 feet of maneuvering rather than 20 feet for the row of parking spaces adjacent to the alley.
- 3) 3312.49, Minimum Number of Parking Spaces Required, which Section requires 14 parking spaces for nine (9) dwelling units @ 1.5 spaces/unit, while there is an existing parking lot with 12 spaces.



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: dbp

DATE: 12/8/10



Disclaimer

Scale = 40



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
Mayor Michael B. Coleman

Department of Development

Boyce Safford III, Director

757 Carolyn Avenue, Columbus, OH 43224

Date of Service/Posting 8.5.10

Order Number: 10470-03055

Parcel Number:

010010777

FRIED DEAN W TR
2549 INDIANOLA AVE
COLUMBUS 43202

ZONING CODE VIOLATION ORDER

Re: 2549-2551 INDIANOLA AVE

An inspection has been made at the above address on August 5, 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)

A handwritten signature in black ink, appearing to read "Joel Cash", written over a horizontal line.

Joel Cash
Code Enforcement Officer
(614) 645-6077

ZC-7
REV 09/09
08052010

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: Residential occupancy in a commercially zoned area in lower half of this building is in violation of Columbus Code. Requires a certificate of Zoning Clearance. Cease use.
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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 # CV11-004

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] DONALD PLANK

Plank Law Firm
Of [COMPLETE ADDRESS] 145 East Rich St., 3rd Flr., 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

Dean W. Fried, Trustee of the Dean W. Fried Declaration of Trust
dated December 6, 2006
7921 Waterton Lane
Lakewood Ranch, Florida 34202

of Columbus based employees: 0
Contact Name/Number: Dean W. Fried, (614) 206-5492

If applicable, check here if listing additional parties on a separate page [required]

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 28th day of DECEMBER, in the year 2010

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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