



Dana Hill

CV11-006

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

11315-0-00108

OFFICE USE ONLY:

Planning Area: 5th x NW

Received By: DH

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 1733 W. THIRD AVE. Zip 43212

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 01063276

[] 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 X NORTHWEST AREA COMMISSION

Proposed use or reason for Council Variance request: CHANGE FROM "LIVE/WORK" TO SEPARATE RESIDENTIAL

Proposed Height District: H-35 AND COMMERCIAL SPACE

[Columbus City Code Section 3309.14]

APPLICANT: Name R. SCOTT HENNINGSEN

Address 1242 LINCOLN City/State COLUMBUS, OH Zip 43212

Email SHENNING@COLUMBUS.RR.COM

PROPERTY OWNER(S): Name HENNINGSEN, LLC

Address 1242 LINCOLN RD. City/State COLUMBUS Zip OH 43212

Email SHENNING@COLUMBUS.RR.COM

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

ATTORNEY / AGENT

[] Attorney [x] Agent

Name JULIA STEIGERWALD

Address 6362 LEE RD. City/State WESTERVILLE, OH Zip 43081

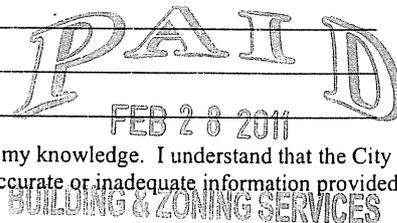
Phone # 614-806-4371 Fax # Email: COMPASSROSEJES@HOTMAIL.COM

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE [Signature]

PROPERTY OWNER SIGNATURE [Signature]

ATTORNEY / AGENT SIGNATURE [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.

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



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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV11-006

STATE OF OHIO _____
COUNTY OF FRANKLIN _____

Being first duly cautioned and sworn (1) NAME JULIA E. STEIGERWALD
of (1) MAILING ADDRESS 6862 LEE RD., WESTERVILLE, OHIO 43081
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 1733 WEST THIRD AVE.
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) 2/28/11
(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS (4) SCOTT HENNINGSEN
1242 LINCOLN
COLUMBUS, OH 43212

APPLICANT'S NAME AND PHONE # (same as listed on front of application) SCOTT HENNINGSEN
614 271 0928

AREA COMMISSION OR CIVIC GROUP (5) 5x NORTHWEST AREA COMMISSION
AREA COMMISSION ZONING CHAIR OR BRUCE SHALTER
CONTACT PERSON AND ADDRESS 1635 GRANDVIEW AVE. 43212

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.

SIGNATURE OF AFFIANT (8) [Signature]
Subscribed to me in my presence and before me this 25 day of FEBRUARY, in the year 2011
SIGNATURE OF NOTARY PUBLIC (8) [Signature]
My Commission Expires: 11.23.14



MICHAEL P. EBRIGHT
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Franklin County
My Comm. Exp. 11/23/14

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STATEMENT OF HARDSHIP

Chapter 3307 of the Columbus Zoning Code
Section 3307.10 Variances by City Council

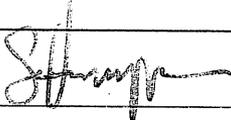
- A. Permit a variance in the yard, height, or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties or unusual hardships in the carrying out of the zoning district provisions due to an irregular 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 ATTACHED STATEMENT OF HARDSHIP

Signature of Applicant  Date 2/25/11

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Statement of Hardship

The applicant, Scott Henningsen, is requesting a Council Variance to make a slight modification to the Council Variance which was passed 4/7/2009 for the property at 1733 W. Third Avenue. At that time a Council Variance was granted to allow the one story building to become a mixed use space, including both residential and commercial components. (The Columbus City Code Section 3356.03 does not permit first floor residential use.) It was granted for Will Shively, a photographer, in order that he would be able to use the building as both his home and workplace. At that time a variance was also granted to allow a modification of the Zoning Code parking requirements. It was arrived at by taking into consideration the actual pattern of use of the building, along with an agreement negotiated with the Columbus Italian Club (located next door) to share in the use of their excess parking space.

The approved variance was conditional upon the fact that the building be a “live/ work” combination of residential and commercial, in other words that the person living there, the owner Will Shively, would also work there. Since the building has been sold, the new owner would like to use it for exactly the same purposes, a photography studio to be used by an advertising agency, and a residence. However, it is not the intention of the new owner that the resident and commercial occupant would be the same entity. They are requesting a Council Variance to remove the “live/ work” stipulation of the previous variance, to allow the building simply to house a photography studio and apartment, with the tenants being separate entities. Being confined to the stipulation of finding a person who is a photographer and wishes to both live and work in the space is a hardship for the new owner of the building, in that it severely limits the number of qualified and interested possible tenants.

The parking situation would remain unchanged if the Variance is granted, and the proposed new tenant for the photography studio would have a very similar pattern of use for the space, generating very low volume of people and traffic. The parking agreement worked out with the Columbus Italian Club is still in good standing.

This proposal allows for continuing the current use of the building, with the only change being that there would be two tenants in the building rather than one, with the functions being unchanged. It is in keeping with the neighborhood, and with the Fifth by Northwest Area Commission’s vision for this area, and will not adversely affect the surrounding property or neighborhood. The variance will not affect the supply of light and air to the adjacent properties, will not increase the congestion of the public streets, increase the danger of fires, endanger public safety, or diminish or impair the public health, safety, comfort, morals or welfare of the people in this area or the City of Columbus as a whole. A photography studio is by nature a quiet and low-traffic business, and the existence of a separate residential component in the building will not alter that, and is consistent with the character, appearance, and function of the existing neighborhood.



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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 # CV 11-006

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] HENNINGSEN, LLC

Of [COMPLETE ADDRESS] 1733 W. THIRD 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	<u>HENNINGSEN, LLC</u>
Business of individuals address	<u>1242 LINCOLN RD, COLS 4321</u>
Address of corporate headquarters	
City, State, Zip	
Number of Columbus based employees	<u>1</u>
Contact name and number	<u>SCOTT HENNINGSEN</u> <u>614-271-0928</u>

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 25 day of FEB, in the year 2011

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

11.23.14



MICHAEL P. EBRIGHT
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Franklin County
My Comm. Exp. 11/23/14

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

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APPLICANT

OWNER

AREA COMMISSION

SCOTT HENNINGSEN
1242 LINCOLN RD.
COLUMBUS, OH 43212

HENNINGSEN LLC
1242 LINCOLN RD.
COLUMBUS, OH 43212

5th BY NORTHWEST AREA COM.
BRUCE SHALTER - ZONING
1635 GRANDVIEW AVE.
COLUMBUS, OHIO 43212

SURROUNDING PROPERTY
OWNERS

C C ENTERPRISES
PO BOX 141183
COLUMBUS, OH 43214

PATRICK MCGREEVY ETAL 4
AMTRUST BANK/ CORELOGIC
2500 WESTFIELD DR. STE. 102
ELGIN IL 601244

TERRENCE & SUSAN QUINLAN
1734 W. THIRD AVE.
COLUMBUS, OH 43212

JAY V. ECKHART
1391 BLUFF AVE.
COLUMBUS, OH 43212

HENRY & ELAINE DISALVO
CO-LIVING TRUSTS
1742 W. THIRD AVE.
COLUMBUS, OH 43212

BACKES REALTY LTD
2438 W. LANE AVE.
COLUMBUS, OH 43221

EDWARD WINEMILLER
1365 ELMWOOD AVE.
COLUMBUS, OH 43212

ANTHONY & ABBEY MURRY
1369 ELMWOOD AVE.
COLUMBUS, OH 433212

FIRST SOURCE LLC
C/O THE HENDRIX GROUP LLC
460 N. OLDEN GLN.
DE PERE WI 54115

JOHN AND CAROLYN FABBRO
1728 W. THIRD AVE.
COLUMBUS, OH 43212

HENNINGSEN LLC
1733 W. THIRD AVE.
COLUMBUS, OH 43212

COLUMBUS ITALIAN CLUB
PO BOX 12542
COLUMBUS, OH 43212

CAROL MURNANE
1382 WESTWOOD AVE.
COLUMBUS, OH 43212

RONALD & KAREN CAMERON
1127 ORMSBY PL.
COLUMBUS, OH 43212

SHARON M. CASHNER
6100 PARK RIDGE RD.
DUBLIN, OH 43017

SCOTT RYAN
1370 WESTWOOD AVE.
COLUMBUS, OH 43212

MYRNA M. JABERG
1374 WESTWOOD AVE.
COLUMBUS, OH 43212

KENNETH POWELL
1368 WESTWOOD AVE.
COLUMBUS, OH 43212

JACKIE S. TENY-MILLER
1301 LINCOLN RD.
COLUMBUS, OH 43212



CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: s

DATE: 2/17/11

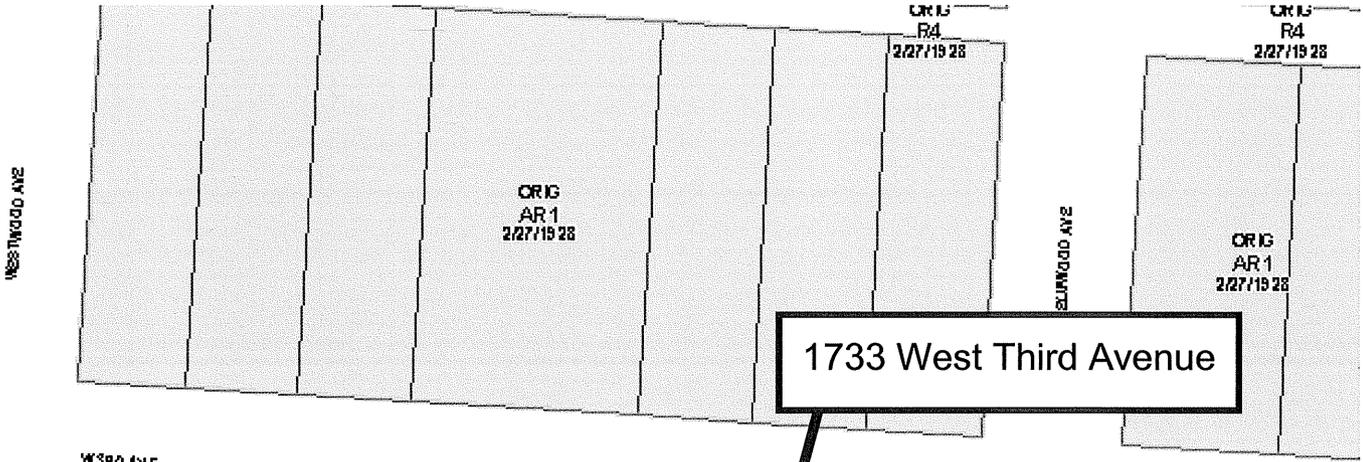


Disclaimer

Scale = 100



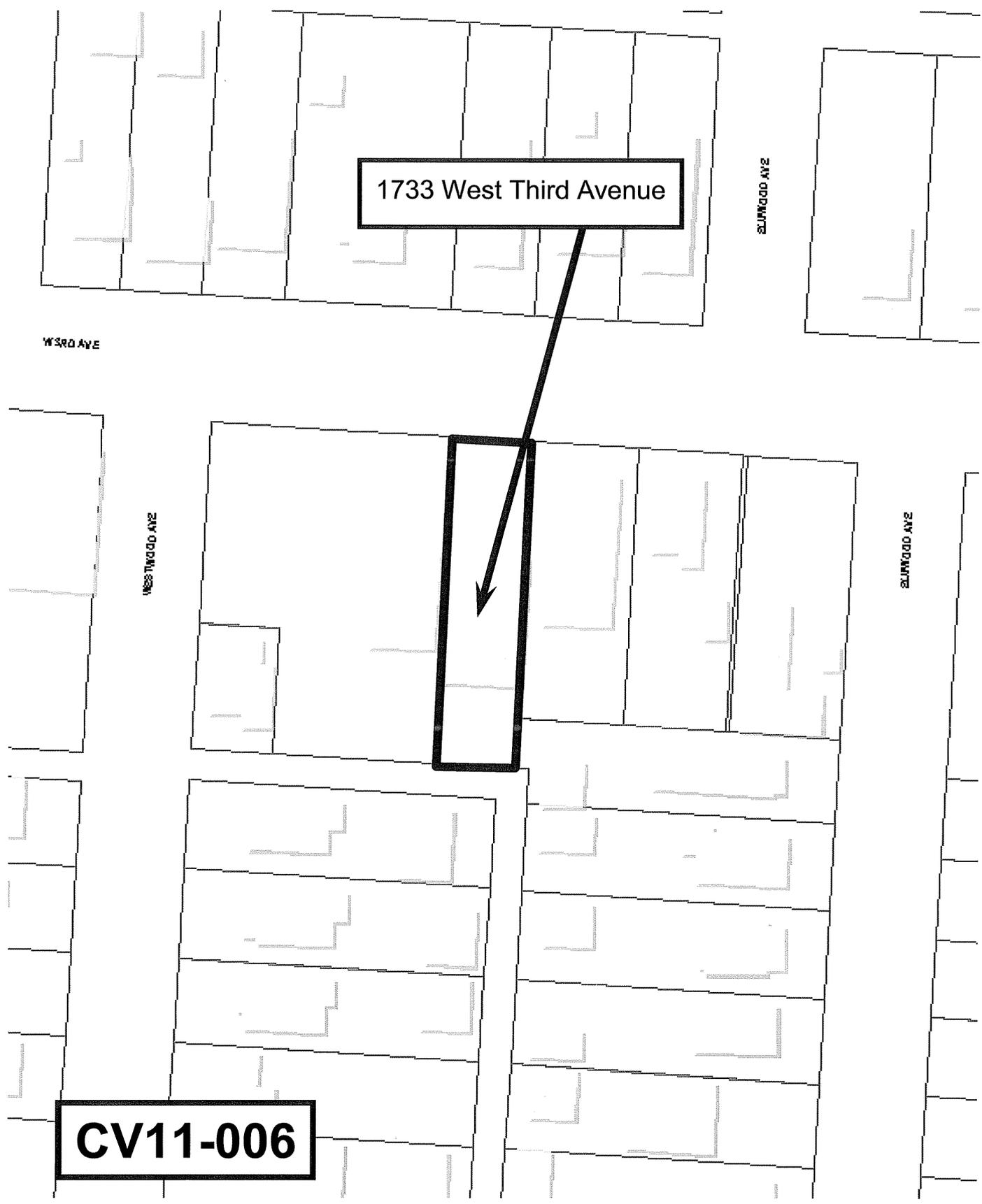
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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.



1733 West Third Avenue



CV11-006



1733 West Third Avenue

W 3RD AVE

SUNWOOD AVE

WESTWOOD AVE

SUNWOOD AVE

CV11-006



1733 West Third Avenue

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