



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: CW12-037 / 12315-00000-00440
Date Received: 7/31/12
Application Accepted By: S.P. Fee: \$1600
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 1277, A, B, C Forsythe Avenue Zip 43201

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.

Parcel Number for Certified Address: 010-036168

Check here if listing additional parcel numbers on a separate page.

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 first floor residential use

Acreage: 0.145 +/- acres

APPLICANT: Name George Kanellopoulos c/o Donald Plank, Plank Law Firm

Address 145 East Rich Street, Fl 3 City/State Columbus, OH Zip 43215

Phone # (614) 946-8700 Fax # (614) 228-1790 Email: dplank@planklaw.com

PROPERTY OWNER(S): Name George and Laura Kanellopoulos c/o Donald Plank, Plank Law Firm

Address 145 East Rich Street, Fl 3 City/State Columbus, OH Zip 43215

Phone # (614) 946-8700 Fax # (614) 228-1790 Email: dplank@planklaw.com

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

ATTORNEY / AGENT

Attorney Agent

Name Donald Plank, Plank Law Firm

Address 145 East Rich Street, Fl 3 City/State Columbus, OH Zip 43215

Phone # (614) 946-8700 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.
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CV12-037



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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:

The property is zoned C-4, Commercial and consists of three (3) first floor storefronts fronting West Fifth Avenue, six (6) second floor apartments and two (2) townhouse-style apartments (1281 and 1283 Forsythe Avenue) with existing ground floor residential use. The commercial storefronts are vacant and not viable commercial space at this time. Applicant proposes to convert the three (3) ground level storefronts to three (3) apartments and to permit the existing ground level residential use (1281 and 1283 Forsythe Avenue). The change of use of the three (3) storefronts to apartments does not require a parking variance because the change of use (residential) is a less intense use than the commercial use for parking purposes.

Applicant requests the following variance:

- 1) Section 3356.03 - C-4 permitted uses, which Section doesn't permit ground floor residential use, while applicant proposes to change the use of the three (3) existing vacant commercial storefronts fronting West Fifth Avenue to three (3) apartments and to permit the existing ground floor residential use of 1281 and 1283 Forsythe Avenue (same parcel), thereby permitting the use of the property for a total of eleven (11) dwelling units (8 existing and 3 proposed).

Signature of Applicant Donald Plank Date 7/30/2012

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AFFIDAVIT

(See next page for instructions)

APPLICATION # CV12-037

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, Fl 3, Columbus, OH 43215

deposed and states that he (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 1277 A, B, C Forsythe 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) 7/31/12

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) George and Laura Kanellopoulos c/o Donald Plank
Plank Law Firm
145 East Rich Street, Fl 3
Columbus, OH 43215

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

George Kanellopoulos c/o Donald Plank, Plank Law Firm
(614) 946-8700

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

(5) University Area Commission c/o Susan Keeny
358 King 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)

(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 30th day of JULY, in the year 2012

SIGNATURE OF NOTARY PUBLIC

(8) Barbara A. Painter
AUGUST 3, 2015

My Commission Expires:

Notary Seal Here



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

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Exhibit A Public Notice
1277 A, B, C Forsythe Avenue
CV12-037 July 20, 2012

APPLICANT:

George Kanellopoulos
c/o Donald Plank, Attorney
Plank Law Firm
145 East Rich Street, Flr. 3
Columbus, OH 43215

PROPERTY OWNERS:

George and Laura Kanellopoulos
c/o Donald Plank, Attorney
Plank Law Firm
145 East Rich Street, Flr. 3
Columbus, OH 43215

ATTORNEY FOR APPLICANT

Donald Plank, Attorney
Plank Law Firm
145 East Rich Street, Flr. 3
Columbus, OH 43215

COMMUNITY
GROUP/COALITION:

University Area Commission
c/o Susan Keeny
358 King Avenue
Columbus, OH 43201

SURROUNDING PROPERTY
OWNERS (125 Feet)

Kim E. Compton
1285 Forsythe Avenue
Columbus, OH 43201

Board of Education of the Columbus
City School District
c/o Real Estate Coordinator
270 East State Street
Columbus, OH 43215

Norma M. Steigerwalt
Norma M. Miller
2029 Cambridge Blvd
Columbus, OH 43221

Belinda K Dean
1284 Neil Avenue
Columbus, OH 43201

Eric P. Rotondo
1276 Neil Avenue
Columbus, OH 43201

Louis Garrett
Sarah Cherry
1294 Neil Avenue

Bruce Dooley
252 W 5th Avenue
Columbus, OH 43201

Thomas C Trang
1299 Forsythe Avenue
Columbus, OH 43201

David K. Docktor
1288 Neil Avenue
Columbus, OH 43201

Stickmen Properties Ltd
c/o Richard T. Day
22 East Gay Street, Suite 800
Columbus, OH 43215

Baltic Investment Group LLC
PO Box 12443
Columbus, OH 43212

SHEET 1 of 2, July 20, 2012
CV12-037
1277 A, B, C Forsythe Avenue

Melissa K Johrendt
42 Park Drive
Columbus, OH 43209

Redner Family LLC
8038 Gannon Avenue
Saint Louis, MO 63130

Jeanne B and Robert E Owens, Co-Trs
2355 Andover Road
Columbus, OH 43221

C&W Investment Co LLC
92 W. 5th Avenue
Columbus, OH 43201

Board of Education 5th Avenue
210 W. 5th Avenue
Columbus, OH 43201

MRZ Investments LLC
1515 Bethel Road, Suite 200
Columbus, OH 43220

ALSO NOTIFY:

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

George and Laura Kanellopoulos
455 Ridge Drive
Naples, FL 34108



COUNCIL VARIANCE APPLICATION

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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 # CV12-037

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, Fl 3, Columbus, OH 43215
deposes and states that he 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. George and Laura Kanellopoulos 455 Ridge Drive Naples, FL 34108 Number of Columbus Based Employees: 2 Contact Name and Number: George Kanellopoulos, (614) 226-4134	2. <hr/>
3. <hr/>	4. <hr/>

Check here if listing additional parties on a separate page.

Donald Plank
SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 30th day of JULY, in the year 2012

SIGNATURE OF NOTARY PUBLIC Barbara A. Painter

My Commission Expires: AUGUST 3, 2015

Notary Seal Here



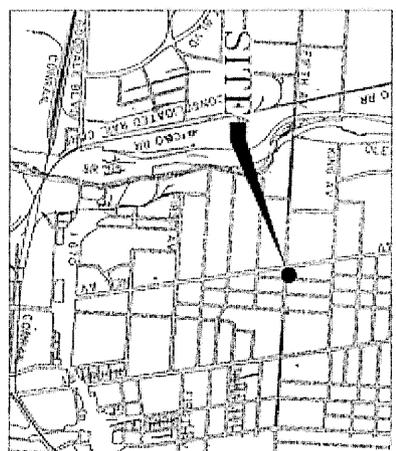
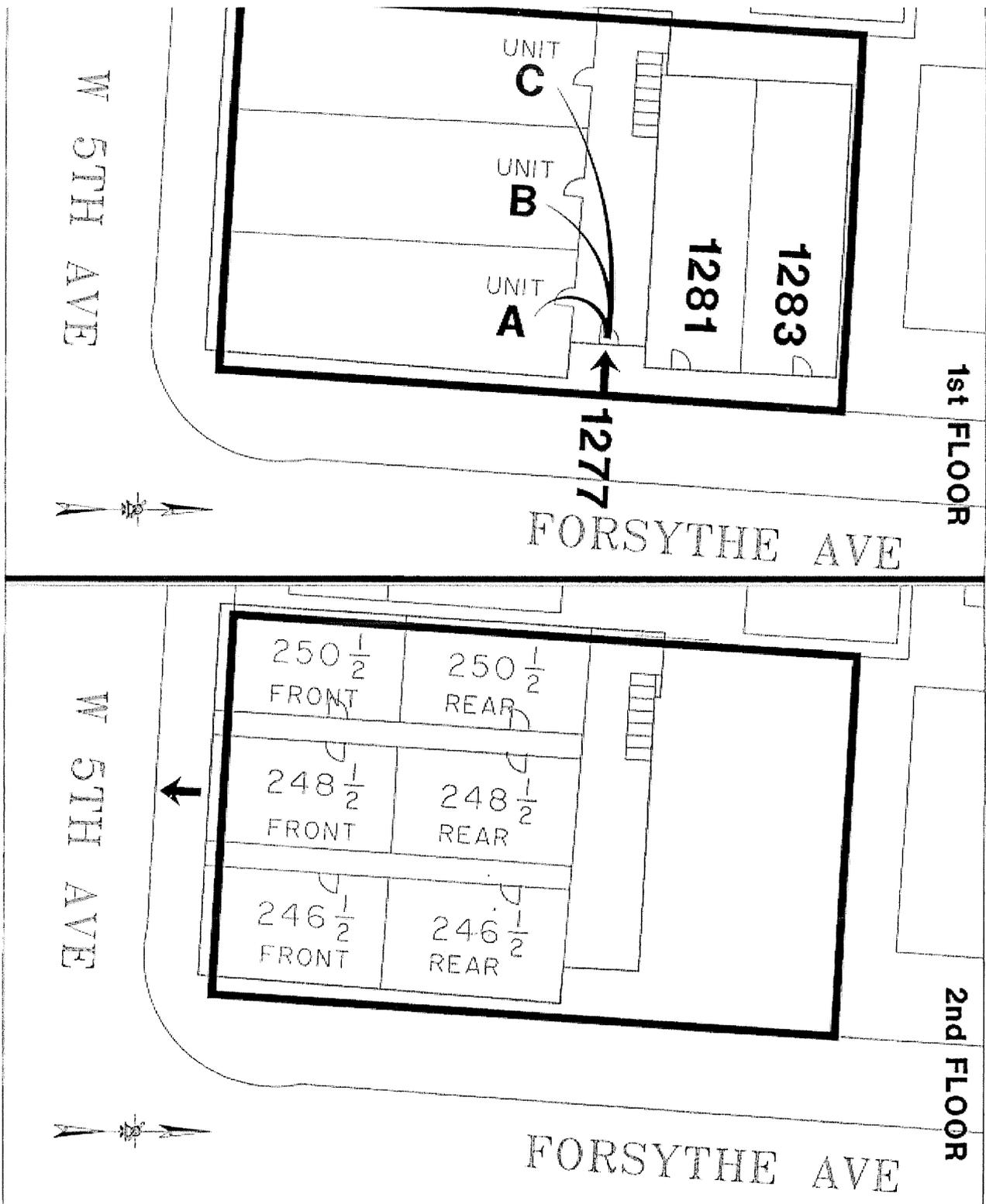
BARBARA A. PAINTER
Notary Public, State of Ohio
My Commission Expires AUGUST 3, 2015

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

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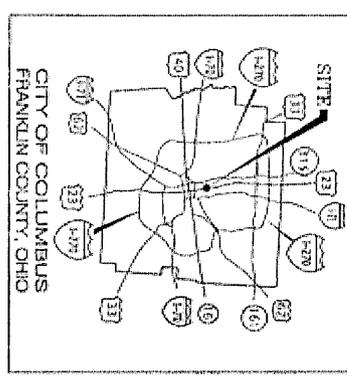
ASSIGNMENT OF APARTMENT ADDRESSES WITHIN THE CITY OF COLUMBUS, OHIO

CV12-037



OTHER MAP REFERENCES

CITY LAND USE MAP:	27-0
GIS FACET NUMBER:	182357225



HOUSE NUMBERS SHOWN ON ATTACHED PLATE ARE CREDITED FOR SECURING OF BUILDING & UTILITY PERMITS

Issued by *Patricia A. Austin* Date 5/2/201

PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
109 N. FRONT ST.
COLUMBUS, OH. 43216

ADDRESS FILE NUMBER - 00-202

DESIGNED BY:	GEORGE KANELLOPOULOS
ENGINEERING CONSULTANT:	WILLIE TERRY ARCHITECTS
W 5th AVE	
AND FORSYTHE AVE APTS	
ORIGINAL PARCEL NUMBER:	N/A
DRAWN BY: LCM	CHECKED BY: PVS

LEGAL DESCRIPTION

1277 A, B, C Forsythe Avenue, Columbus, OH

PID: 010--036168

CV12- 637

0.145 +/- acre

Being part of Lot Number 312 and 313 Dennison Place Addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof of record in Plat Book 3, Page 13, Recorder's Office, Franklin County, Ohio, and more particularly described as follows:

Beginning at the southeast corner of said Lot No. 313; thence north along the east side of said Lot Nos. 313 and 312 and the west line of Forsythe Ave. 101.95 feet to a point in the southeast corner of a strip of ground 8 feet conveyed by Lydia C. Brown and Frank A. Brown to Maria K. Able by deed dated August 7, 1900 and recorded in Deed Book 328, Page 402 in the office of the Recorder of Franklin County, Ohio; thence west on a line parallel with Fifth Avenue 62 feet to a point in the east line of a certain tract conveyed by Josephine Firestone to Mack Y. Maxwell by deed dated May 31, 1896 of record in Deed Book No. 284, Page 34 in the office of the Recorder of Franklin County, Ohio; thence south along the east line of the said Maxwell tract and parallel with Forsythe Ave. 101.95 feet to a point in the south line of Lot No. 313 being the southeast corner of said Maxwell tract; thence east 62 feet along the south line of said Lot No. 313 to the place of beginning together with the easement of the said grantor in and to the said 8 feet strip conveyed to the said Maria K. Able that no building or structure other than a fence 5 feet high or less should be erected on said 8 feet strip subject to the restrictions contained in the deed from Anne E. Dennison to Lydia C. Brown (D.B. 241 page 206) except as modified by the release in Miscellaneous Records 2, page 53.

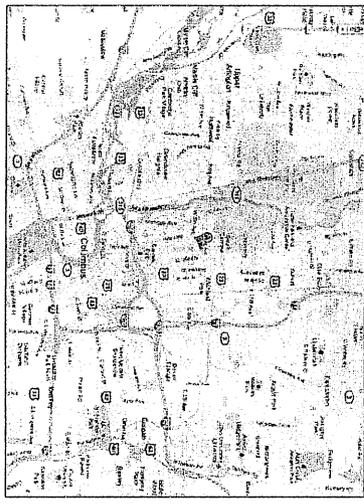
ZONING VARIANCE CHANGE OF USE - 3 GROUND FLOOR DWELLING UNITS 1277 (A, B, C) FORSYTHE AVENUE COLUMBUS, OH 43201

MILLER LECKY ARCHITECTS INC
ARCHITECTS & PLANNERS
C/O MARK LECKY
668 S. NINTH STREET
COLUMBUS, OHIO 43206
TEL (614) 621-4934
LECKY@MLARCHS.COM

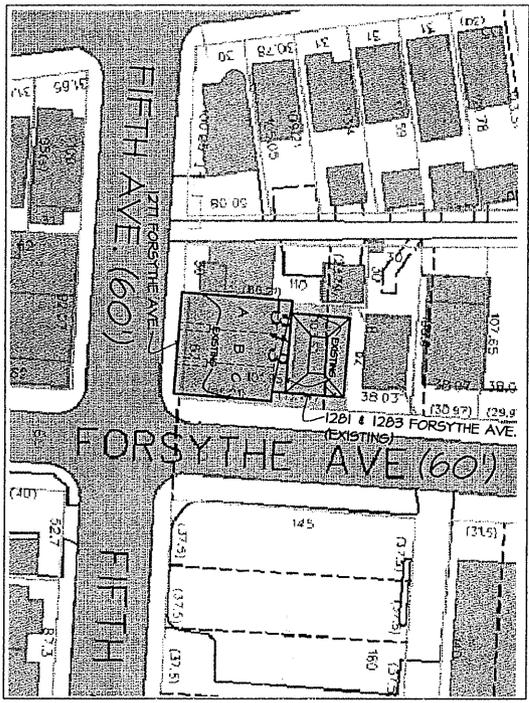
SITE DATA

Address: 1277 A, B, C Forsythe Avenue
 PID: 010085168
 Area: 0.145 +/- acres (6,310 +/- sq. ft.)
 Zoning: C-4, Commercial
 Height: H-35, Existing buildings, no change
 Proposed Variance: C-42, Commercial to permit proposed ground level
 apartment building, no change in use
 Existing Use: District and to permit existing ground level residential
 use (1281 and 1283 Forsythe Avenue - same parcel)
 Proposed Use: Ground level storefronts (B), six (6) second floor
 apartments and two (2) dwelling units (1283 and 1281
 Forsythe Avenue), and existing second floor and 1281,
 250 West Fifth Avenue to 3 dwelling units (1277, A, B, C
 Forsythe Avenue), and existing second floor and 1281,
 1288 Forsythe Avenue dwelling units, including existing
 ground level storefronts (B), six (6) second floor
 Annual, Total of 3 new dwelling units and 8 existing
 dwelling units, 11 dwelling units total.

Parking:
 Car: Zone (B)
 Proposed: Zero (0), no new parking required due to existing
 requirements being required 13 spaces at 1,250 and
 required parking for 3 proposed dwelling units = 5. Less
 in-site parking.
 Bicycle: zero (0) required, zero (0) provided
 Flood Plain: Zone X, 390403D07K, 06/17/2008

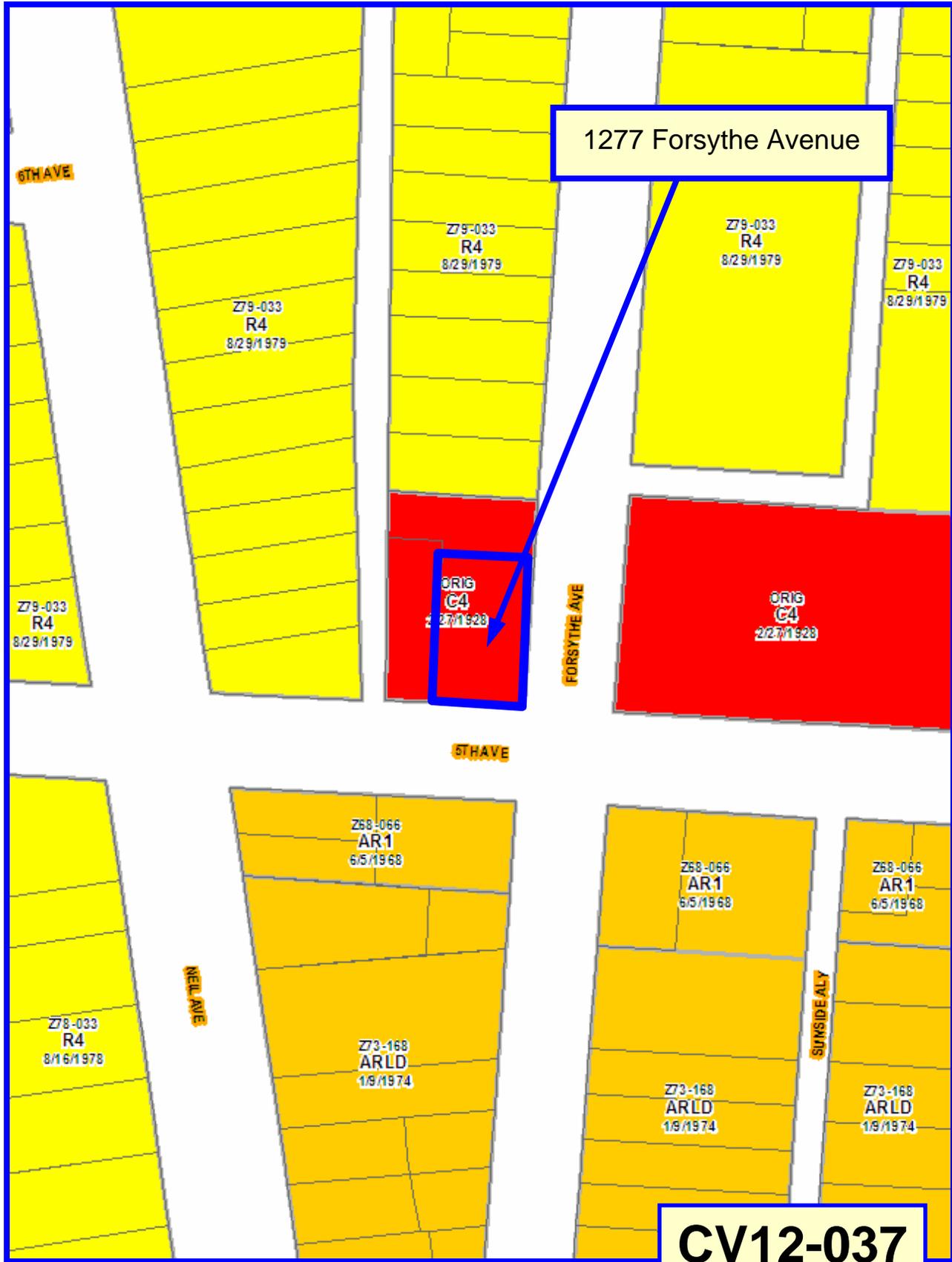


SITE LOCATION MAP
NT 5



SITE PLAN
NT 5
CV12-_____

CV12-037



1277 Forsythe Avenue

ORIG
C4
2/27/1928

ORIG
C4
2/27/1928

CV12-037



1277 Forsythe Avenue



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