

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



STATEMENT OF HARDSHIP

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

A. Permit a variance in the yard, height, or parking requirement 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 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 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

Multiple horizontal lines for providing details of the variance request.

Signature of Applicant (Signed in BLUE INK) J. R. C. B. L. Date 5/20/05

Council Variance Request
187 Hamilton Avenue
Columbus Compact Corporation
1000 E. Main Street
Columbus, OH 43205

The applicant seeks a Council Variance for the property located at 187 Hamilton Avenue and within the boundaries of the King Lincoln District (more completely described in the legal description submitted with this application).

The site is approximately .12 acres located at the intersection of Spring Street and Hamilton Avenue. A brick, two story residential building of approximately 2,700 square feet is currently located on the site. The property is currently zoned R2F. To the west of the site is a freeway; to the north of the site is a small park and a day care center; to the south of the site is the owner's private residence; to the east are multifamily and single family housing.

The Applicant is seeking to vary the zoning for this site as well as four other nearby sites to allow uses that would be consistent with the goal of establishing an arts district in the King Lincoln District. The applicant further proposes to vary the parking and loading zone requirements associated with this use on this site.

Although the proposed variance would allow a commercial use in a previously residential district, no negative impacts are anticipated. The current draft update of the Near East Area Plan offers several criteria for assessing the appropriateness of such variances. These include 1) whether existing commercial districts have been considered for the project, 2) adjacency to a commercial district and availability of shared parking and impact on parking and traffic, and 3) benefits the proposed land use would offer to the neighborhood.

With regards to these criteria, the Applicant makes the following assertions: 1) that the adjacent commercial district, Long Street, is not currently zoned to support the proposed use and does not offer any occupable space; 2) that the Long Street district is less than one block away, allowing for shared parking; and 3) that due to its proximity to the proposed King Lincoln Arts District, the proposed use would benefit the neighborhood by re-enforcing and increasing the "arts/entertainment" use currently being promoted for the area.

The following variances are requested:

1. Allow the following uses: Art dealer/art gallery.
2. Release the requirement for off street parking. (Please note that the King Lincoln District Plan recommends a "shared parking district" for Long Street businesses between I-71 and Monroe Avenue, and that the subject site is less than one block from the district, and less than two blocks from 110+ space public parking lot owned by the City of Columbus. Additionally, Applicant's proposed use operates primarily by appointment only, thereby generating very little parking demand. Applicant also maintains a parking agreement with Diehl Whitaker funeral home, whose parking lot is less than 250 feet from the subject site).
3. Release the requirement for a loading zone.
4. Release the development standards contained in the R2F zoning category.
5. Establish as development standards for the property the setbacks, rear and side yard requirements and lot coverage that is currently in place and is depicted on the site plan that is submitted as part of this application.

6. Allow the placement of a temporary sign to be located to the front of the existing structure during special events.

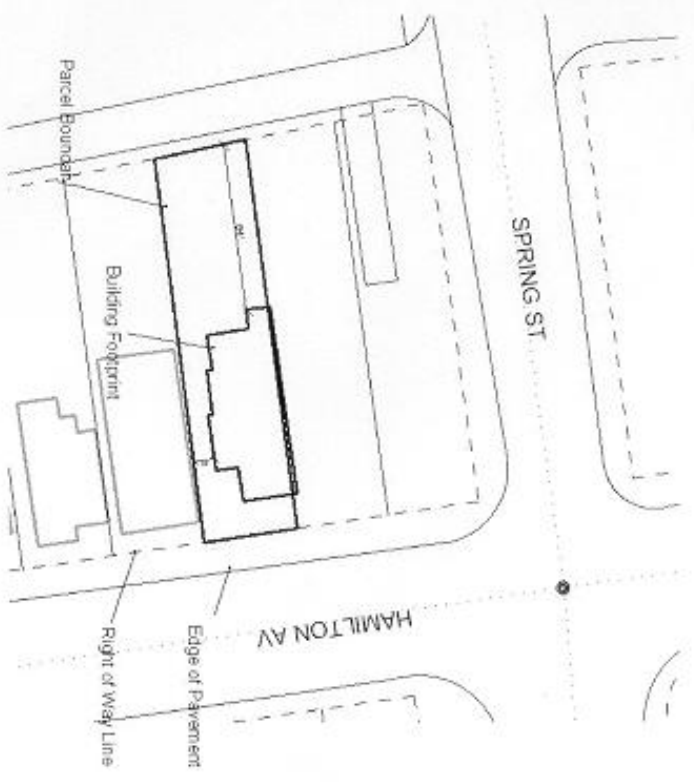
Zoning Site Plan	187 Hamilton Avenue	Columbus Compact Corporation 1000 E. Main Street Columbus, OH 43205 614-251-0926
------------------	---------------------	---

Site Data:

- 2 Story Brick Building
- ~4-2,700 sq ft gross floor area
- 1,748 Bldg Foot Print
- .12 Acre Lot
- Lot Coverage: 33.5%
- Rear Yard: 42% of Lot Area
- Zoning: R2F
- Existing Use: Residential
- Building No. Floor: 2
- Parking Provided: 0
- Loading Provided: 0

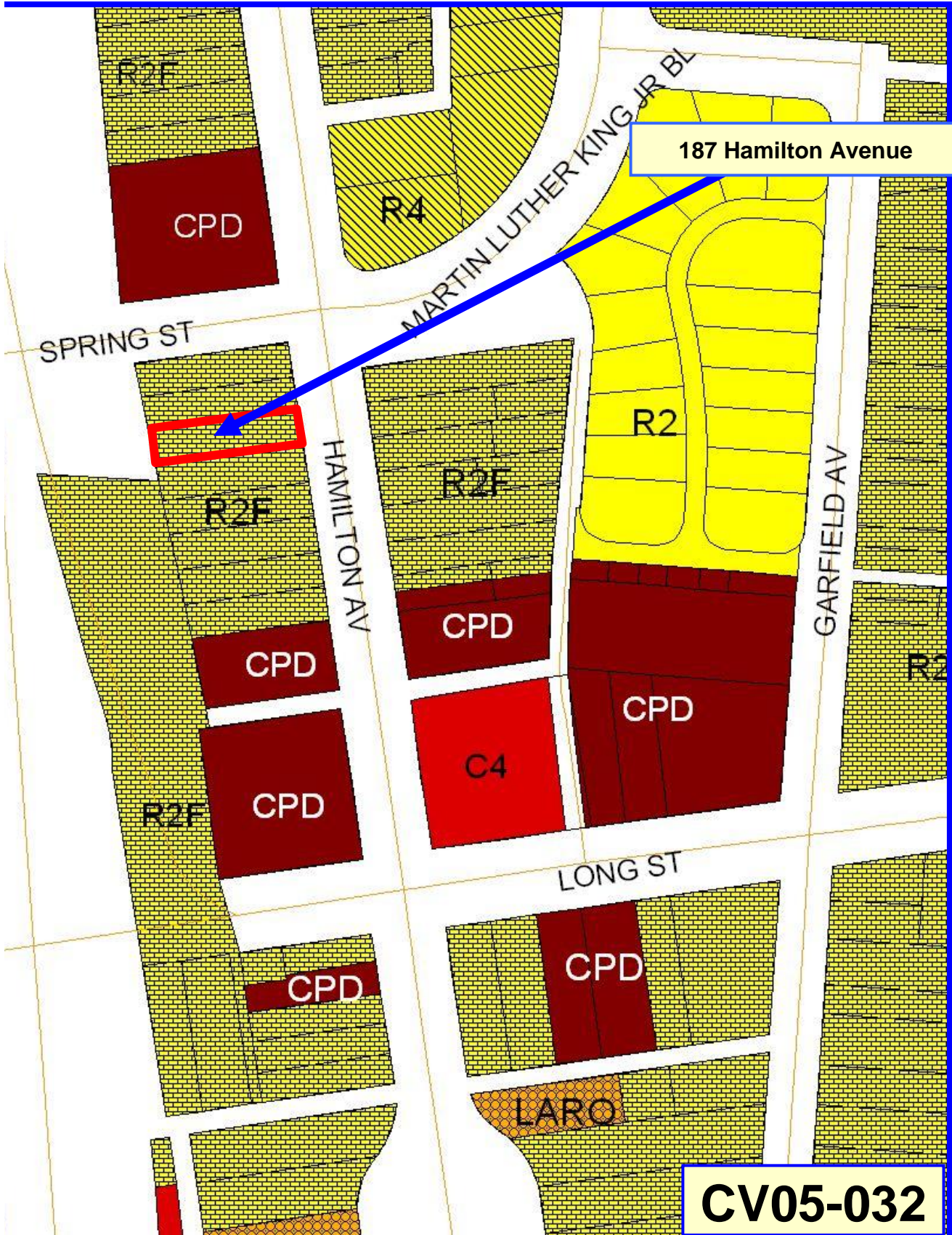


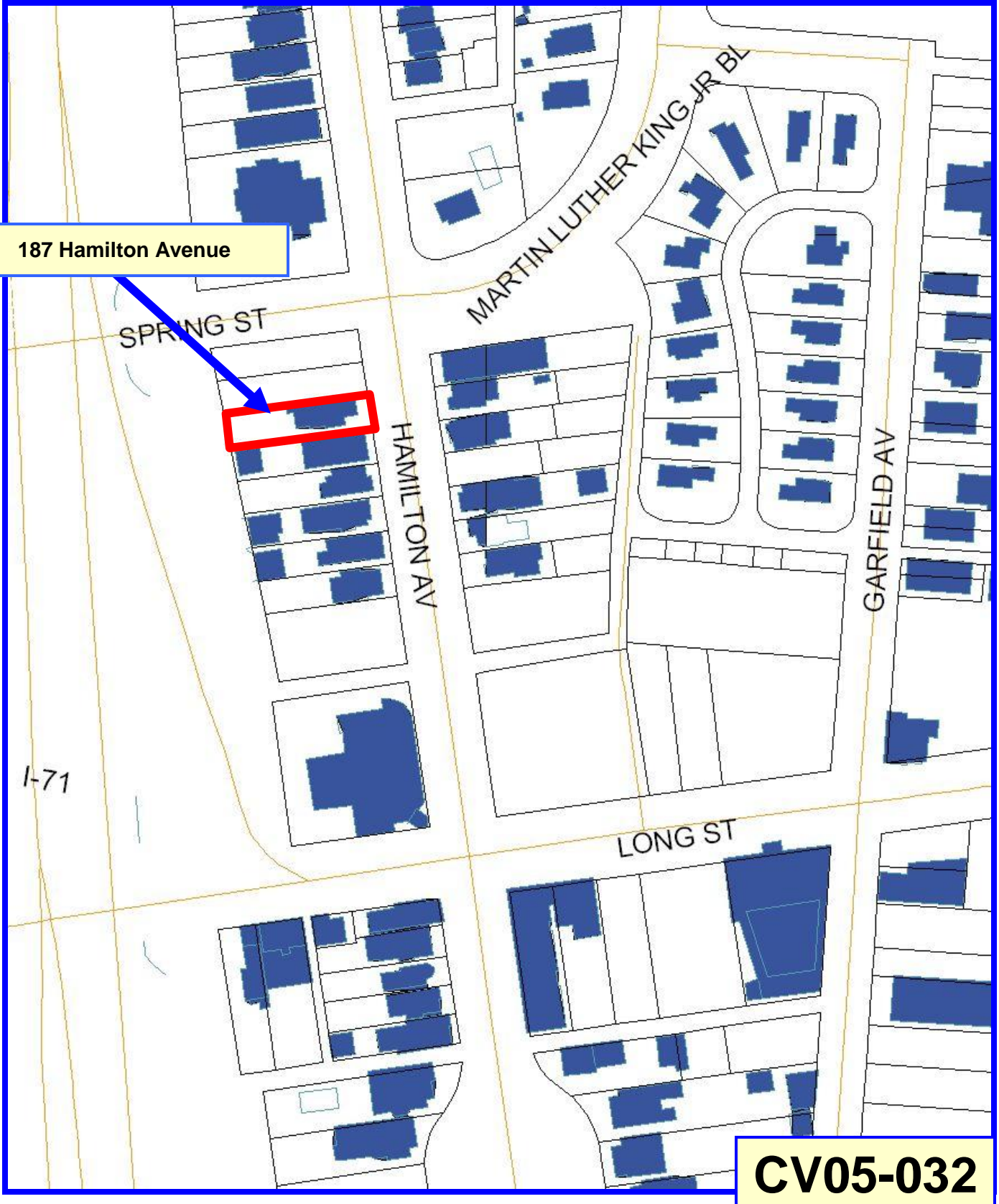
Scale 1" = 60'



CV05-032 Final Revised photos by Shannon King

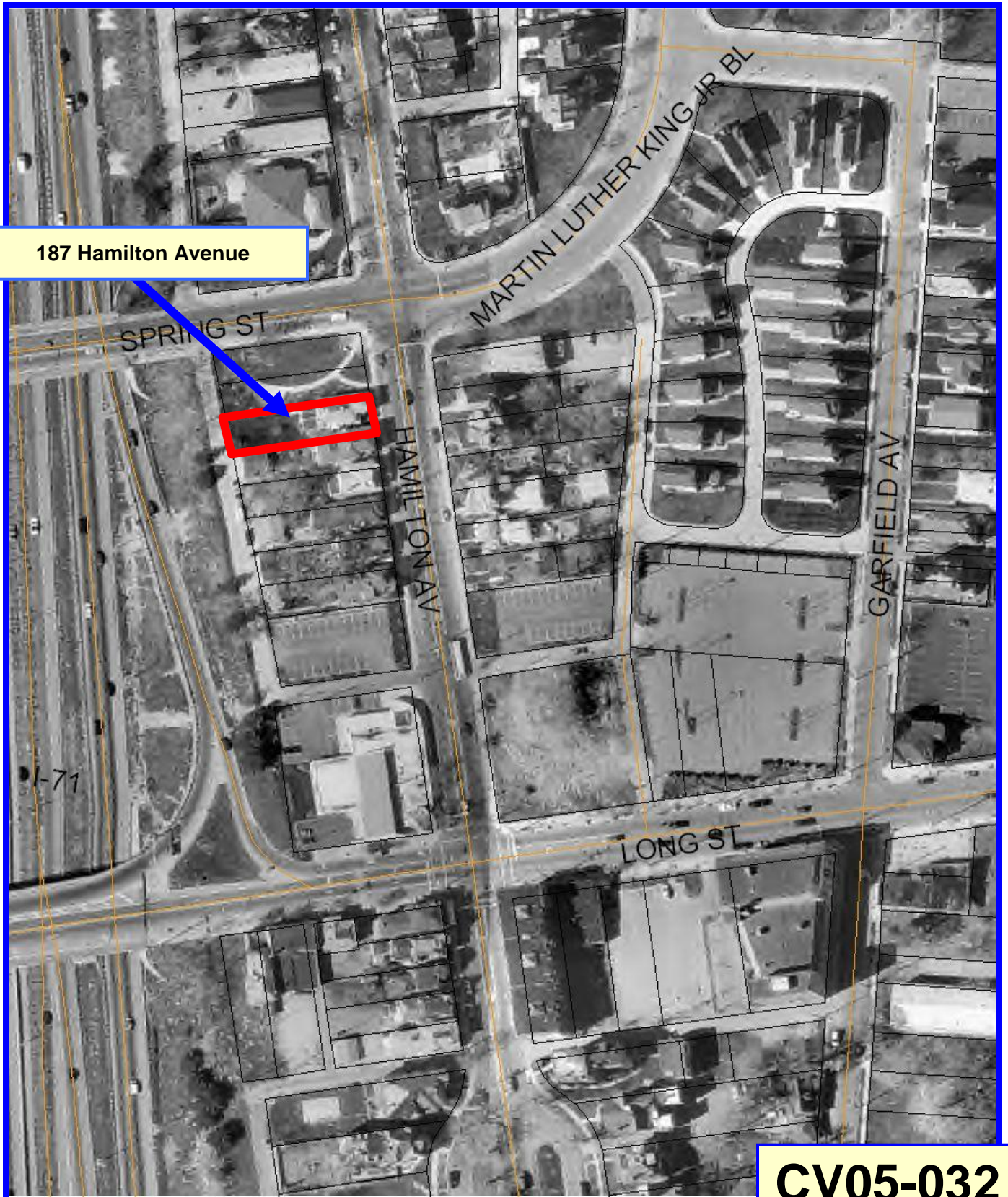
Shannon King
2/16/05





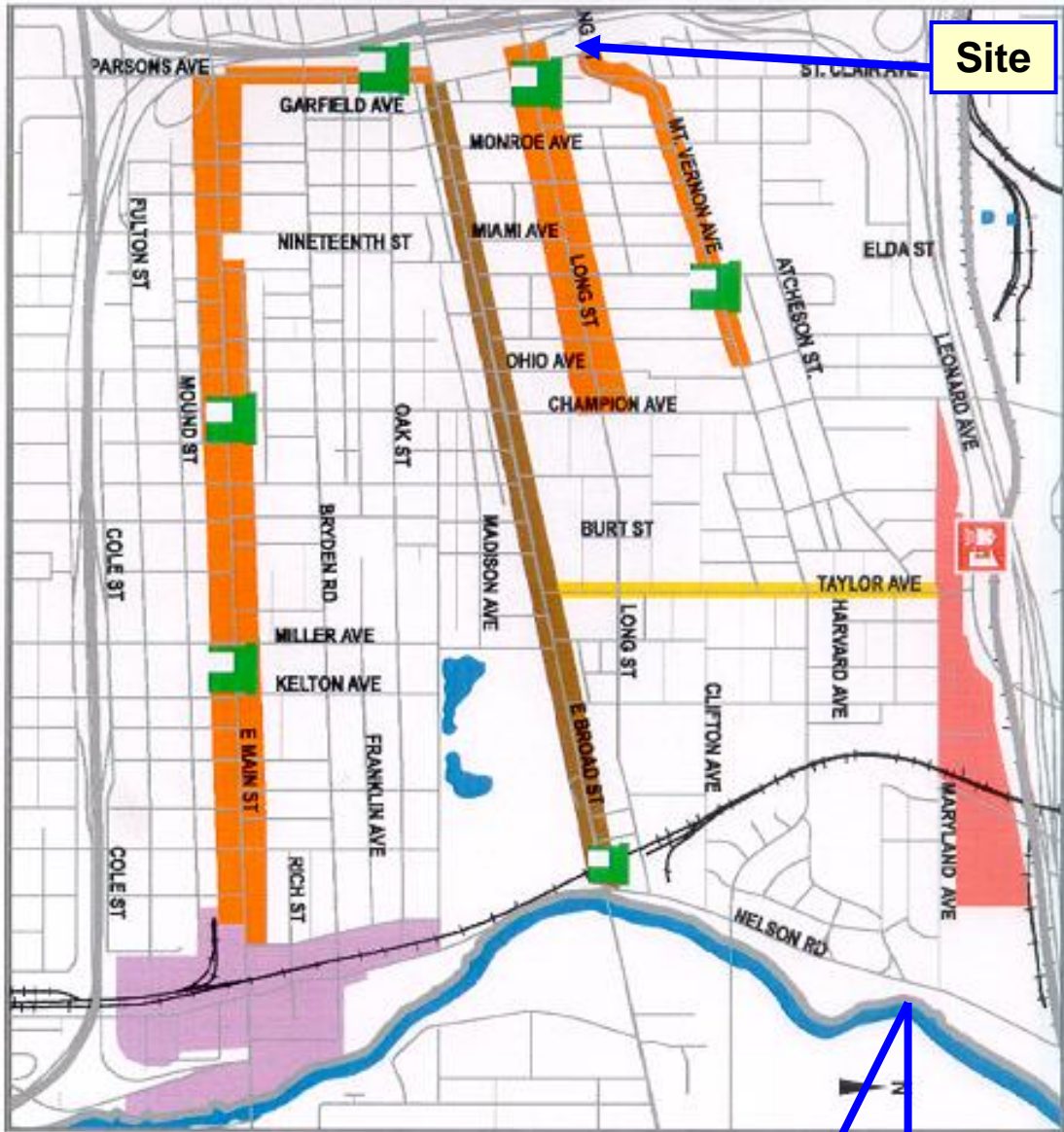
187 Hamilton Avenue

CV05-032



187 Hamilton Avenue

CV05-032



DEVELOPMENT STRATEGY

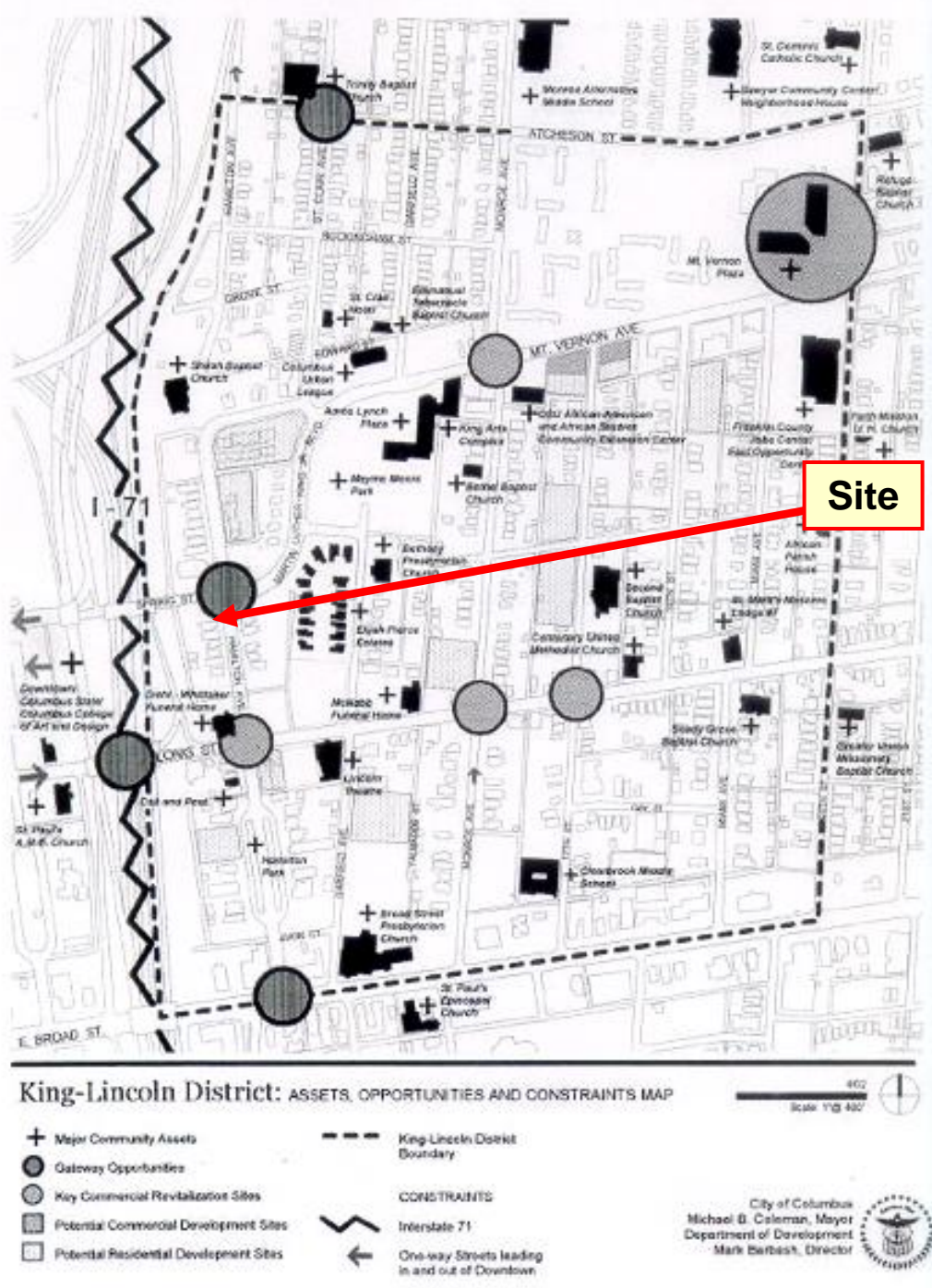
DRAFT

NEAR EAST AREA PLAN

Figure 5

Draft Near East Area Plan

ASSETS, OPPORTUNITIES & CONSTRAINTS MAP



The King-Lincoln District Plan (2002)

COMMERCIAL / OFFICE GOALS

- ◀ Create new, good jobs for area residents and provide the necessary support with job training programs.
- ◀ Develop and implement a commercial revitalization "theme" or "program" for the District and focus revitalization efforts at key business locations. Market this theme or program as a regional attraction to the Central Ohio community and beyond.
- ◀ Maintain, promote, and enhance existing businesses with a focus on adding new retail establishments with new residents and visitors to support them. Encourage retail specialty shops and neighborhood service facilities.
-  ◀ Encourage mixed-use development, including business uses, in appropriate locations.
- ◀ Promote early and continuous private sector involvement in the achievement of these goals

City of Columbus | Department of Trade and Development | Building and Development Services | 757 Caryn Avenue, Columbus, Ohio 43224



FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW
STANDARDIZED RECOMMENDATION FORM

Group Name NEAR EAST AREA COMMISSION

Meeting Date 7/14/05

- Specify Case Type
- BZA Variance (Begins with "V")
 - BZA Special Permit (Begins with "SP")
 - Council Variance (Begins with "CV")
 - Rezoning (Begins with "Z")
 - Graphics (Begins with "VG")
 - Graphics Special Permit (Begins with "SPG")

Case Number 05-032

- Recommendation (Check only one)
- Approval
 - Disapproval
 - Conditional Approval (please list conditions below)
(Area Commissions, see note below*)

See attached minutes of NEAC site hearing.

*Ordinances sent to council will contain only a recommendation for "approval" or "disapproval". If a recommendation for "conditional approval" is sent, the conditions should be concise and specific. Staff will determine whether conditions are met when the final ordinance is prepared unless a revised response indicating "approval" has been received. If staff determines that conditions have not been met, your group's recommendation will be listed as "disapproval".

Vote FOR 12 AGAINST - 1 ABS

Signature of Authorized Representative Kathleen D. Bell

CHAIR
RECOMMENDING GROUP TITLE

7/22/05
DAYTIME PHONE NUMBER

Please FAX this form to Zoning at (614) 645-2463 within 48 hours of your meeting day;
OR MAIL to: Zoning, City of Columbus, Building and Development Services, 757 Caryn Avenue, Columbus, Ohio 43224.

Near East Area Commission (NEAC)

Zoning Committee Report

**Site Hearing Minutes
CV05-032**

Date: Tuesday, July 5, 2005
Time: 6:00 pm
Location: 187 Hamilton Avenue
Applicant: Seeks a variance to allow a commercial use in a previously residential district

Zoning Commissioners Present: D. Brown, G. Lake - Grant, T. Mahoney, C. Powell, K. Powell, T. Shelby & A. Ross-Womack

Commissioners Present:

Applicant Present: Jon Beard, George Tabit & Francisca Figueroa-Jackson, Property Owner

Community Present: Several neighborhood residents were in attendance.

Meeting called to order at 6:00 pm by Commissioner T. Shelby

Columbus Compact Corporation, on behalf of property owner seeks multiple variances for the property listed above to operate businesses in residentially zoned properties.

The Compact presented hardship case for the property above and stated a that the use of the property would be an Art Dealership, Gallery and a community gathering place for Arts and Crafts only. A neighboring resident had a concern that the city is setting up a situation for eminent domain and that she was worried about her property value going down in the area. She was also concerned with the traffic and parking. The property owner assured the neighbor that she had made arrangements for parking and gave the commissioners a copy of an agreement for shared parking with Diehl - Whittaker Funeral Home and Mother's Helper Daycare Center.

Residents also questioned the Near East Area plan and the availability of the plan after Commissioner C. Powell suggested that we use the checklist within the plan to see if the building fit the UCO standards. Unaware of what he was implying, the residents asked several questions regarding the process. Commissioner K. Powell explained the NEAC process to those with questions.

Residents wanted to know who made the final decision regarding the variance requests, the Commissioners present explained that we recommend to the City, but they have the final say. After a lengthy dialogue with residents, Mrs. Jackson allowed all present to tour the gallery.

Minutes submitted by: Commissioner Womack

Near East Area Commission (NEAC)

Page 2 - CV05-032

Commissioner T. Shelby called for a motion on variance CV05-032, which will allow the above business to operate in residentially zoned property, with the stipulation the at the only type of use for this property be an Art Gallery or Art Dealership.

The motion was moved by Commissioner K. Powell and seconded by Commissioner G. Lake. Commissioner T. Shelby called for a vote, votes were cast as followed 6 - 1 - 0. (6 Yes, 1 No and 0 Abstentions)

Questions: Will this vote change the zoning on the building? No, the house is still zoned residential and can only be used for this type of use; Art Galleries or Dealer

Motion carried to recommend approval of variance CV05-032. Commissioner T. Shelby adjourned site hearing at 6:30 pm.

Minutes submitted by: Commissioner Womack

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



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
COUNTY OF FRANKLIN

APPLICATION # CV05-032

Being first duly cautioned and sworn (NAME) COLUMBUS COMPANY CORP
of (COMPLETE ADDRESS) 1000 E. MAIN ST COLUM OH 43201
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 format:

- 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

If applicable, check here if listing additional parties on a separate page (REQUIRED)

1. <u>WARDLE: FRANCISCA FIGUEROA-JACKSON</u> <u>187 HAMILTON AVENUE</u> <u>COLUMBUS, OH 43203</u>	2.
3.	4.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 31 day of May, in the year 2005

SIGNATURE OF NOTARY PUBLIC

R Baker, State of Ohio

My Commission Expires:

4-17-2010

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

Notary Seal Here