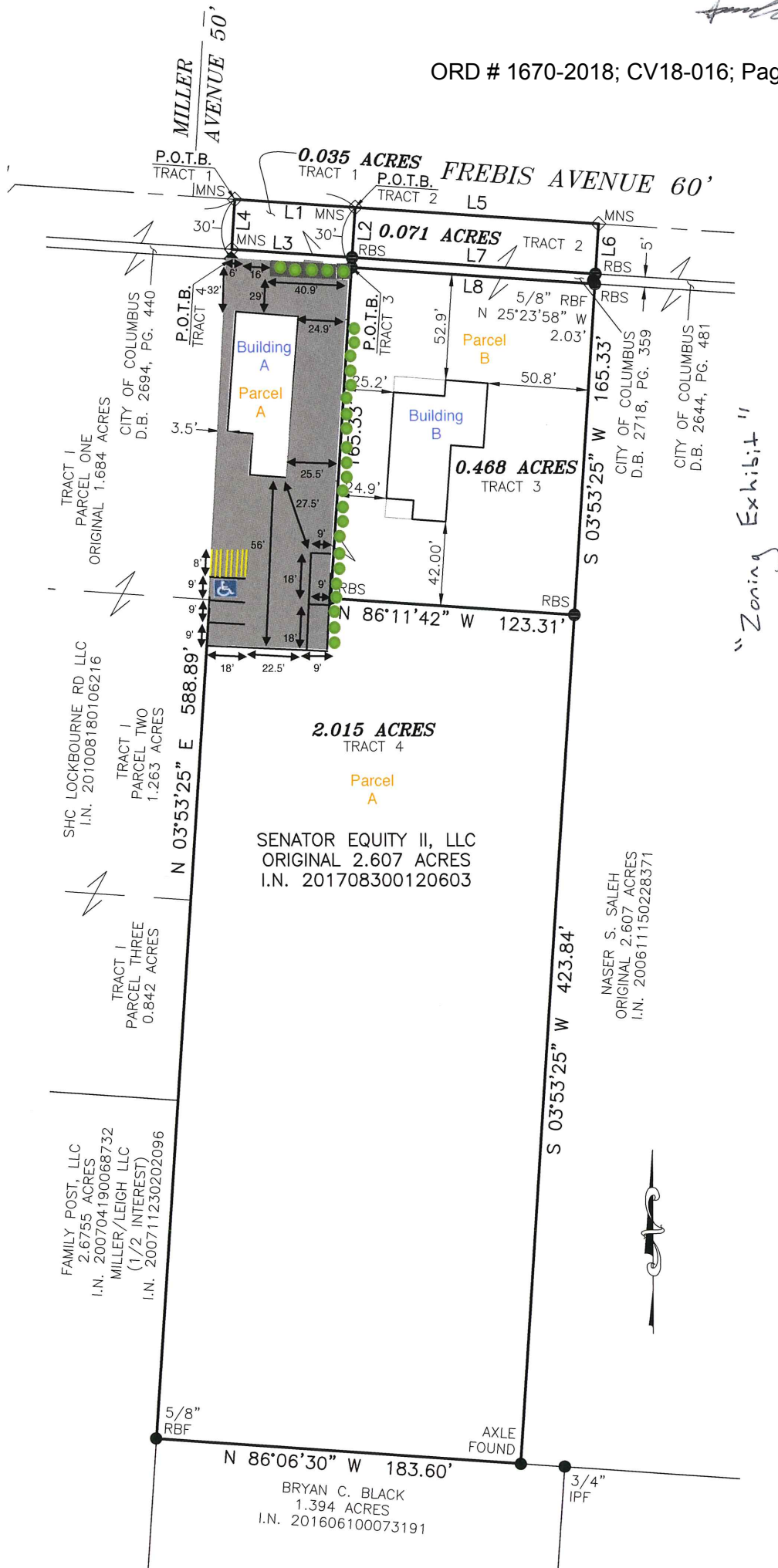


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6/6/2018



Final Site Plan Received 6.6.18 CV18-016

Council Variance Application

111 North Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

STATEMENT OF HARDSHIP

Application #: CV18-016

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

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

PLEASE NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are discovered after your application is approved, a new application will be required.

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(s) requested as detailed below (use separate page if needed or desired):

See attached separate sheet

Signature of Applicant



Date

3/26/2018

PLEASE NOTE: Incomplete information will result in the rejection of this submittal.

Applications must be submitted by appointment. Call 614-645-4522 to schedule.

Please make checks payable to the Columbus City Treasurer

**STATEMENT OF HARDSHIP
CITY COUNCIL VARIANCE REQUEST
APPLICATION #CV18-016**

Applicant: Samuel Goldberg
Property Owner: Senator Equity II, LLC
Subject Property Address: 1221 Frebis Avenue, Columbus, OH 43201
Parcel Number: 010-089882-00
Zoning District – R-2, Residential District

1. Overview. The applicant seeks the variances enumerated in paragraph 4 below in order to split the single parcel of approximately 2.48 acres into two separate parcels, the westernmost parcel (Parcel A) of 2.015 acres and the easterly parcel (Parcel B) of .468 acres, both as depicted on the survey/site plan submitted as part of this application.

2. Description of Property. The subject property currently consists of a single 2.48 acre parcel (Parcel No. 010-089882) on the south side of Frebis Avenue, east of Lockbourne Road. The property is zoned R-2. Properties to the east and across Frebis are likewise zoned R-2. The property to the west, which fronts Lockbourne Road, is zoned C-4.

3. Uses of Property. The property contains two separate buildings. The building to the west (Building A) is a 3,089 square foot cinderblock garage-like facility which is used for storage, maintenance/repair of the Owner's business vehicles and machines, and conduct of the Owner's building maintenance business. The building has two (2) vehicle bays. Building A also includes a small residential apartment unit in the second story (which is akin to a loft space). The building to the east (Building B) is a 1,638 square foot ranch style house and is used as a residence by a family which rents the house from the Owner.

4. Variations Sought. The applicant desires to split the current parcel into two separate parcels to facilitate the sale of the house. The split will result in Parcel A containing 2.015 acres and Parcel B containing .468 acres. No changes to the current uses are planned or anticipated. In order to effect the split, the applicant requires and respectfully requests the following variances:

- a. Code Section 3332.033 to permit applicant to continue to use Building A for storage, maintenance/repair of the Owner's business vehicles and machines, and conduct of the building maintenance business of the Owner, and to maintain the residential apartment in Building A use as such.
- b. Code Section 3332.26(B) to permit a side yard of 3.5 feet, a variance of 1.5 feet from the required 5 feet.
- c. Code Section 3312.49 to permit five (5) parking spaces (1 ADA accessible) for Parcel A, a variance from the required number of six (6).

5. Commitments of the Owner. The Owner will make the following commitments concerning the commercial use of Parcel A of the subject property:

- a. The Owner will only use the property for the following commercial uses: storage, maintenance and repairs of the Owner's business vehicles and machines, and conduct of the Owner's building maintenance business.
- b. All commercial activities will be conducted within the interior of existing Building A. Building A shall not be expanded, nor shall any additional structures be built or placed on Parcel A for the purpose of conducting any commercial activities or business unless prior approval is obtained from the City of Columbus Department of Development (Planning Division) and/or Columbus Department of Building and Zoning Services.
- c. No commercial activities, including without limitation maintenance or repair work, will be conducted for the public or any entity or person other than Owner.
- d. The Owner will not expand the current commercial uses and will not introduce any additional commercial uses.
- e. The Owner will comply with all Community Commercial Overlay standards for graphics and site design applicable to the subject property.
- f. The Owner will develop the subject property in accordance with the site plan that accompanies the application for Council Variance #CV18-016.

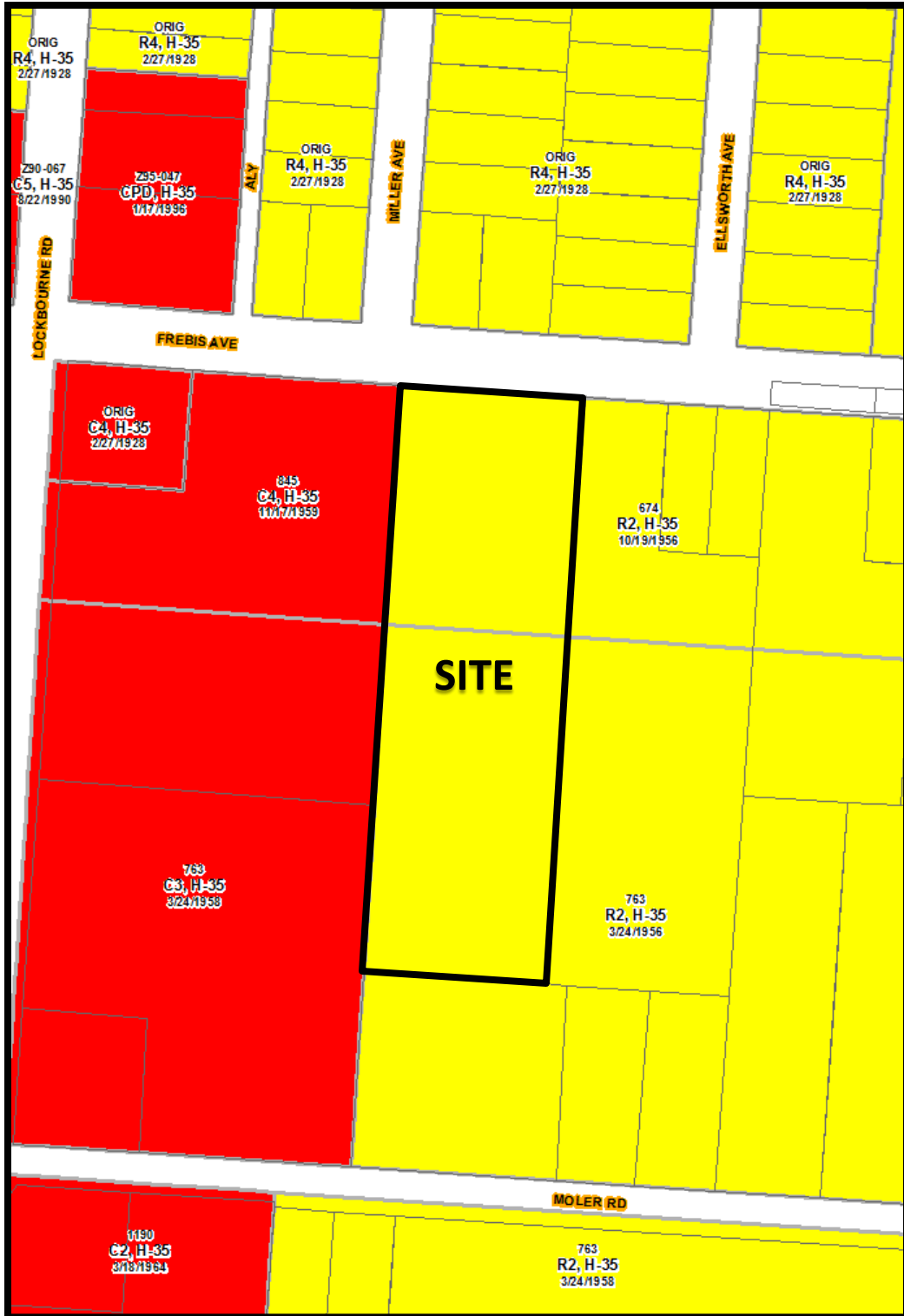
6. Variance Factors. The subject parcel presents a very unusual situation of two different uses, one residential and one commercial, one permitted and one nonconforming, on a single parcel. The Applicant does not know when or how this unusual situation came into being. When the current owner purchased the property on August 30, 2017, the current tenants of Building B were already living there. That tenants desire to purchase Building B and the owner is willing to sell the same to them, but cannot do so without a lot split which this application is being made to facilitate. The variances are sought in order to separate the permitted use from the non-conforming use, resulting in them being on separate parcels. This will in turn permit the sale of Parcel B.

The commercial uses on what will be Parcel A of the property predate the Owner's purchase of the subject parcel and Applicant does not know the historical uses of the property. When the Owner purchased the property in a foreclosure sale, it was informed it had most recently been used as a "chop shop."

The commitments made by Owner in Section 5 of this Statement of Hardship will result in lower intensity commercial uses than have previously been conducted on the property. In addition, the commitments will establish guidelines and limitations on such use which previously have not existed.

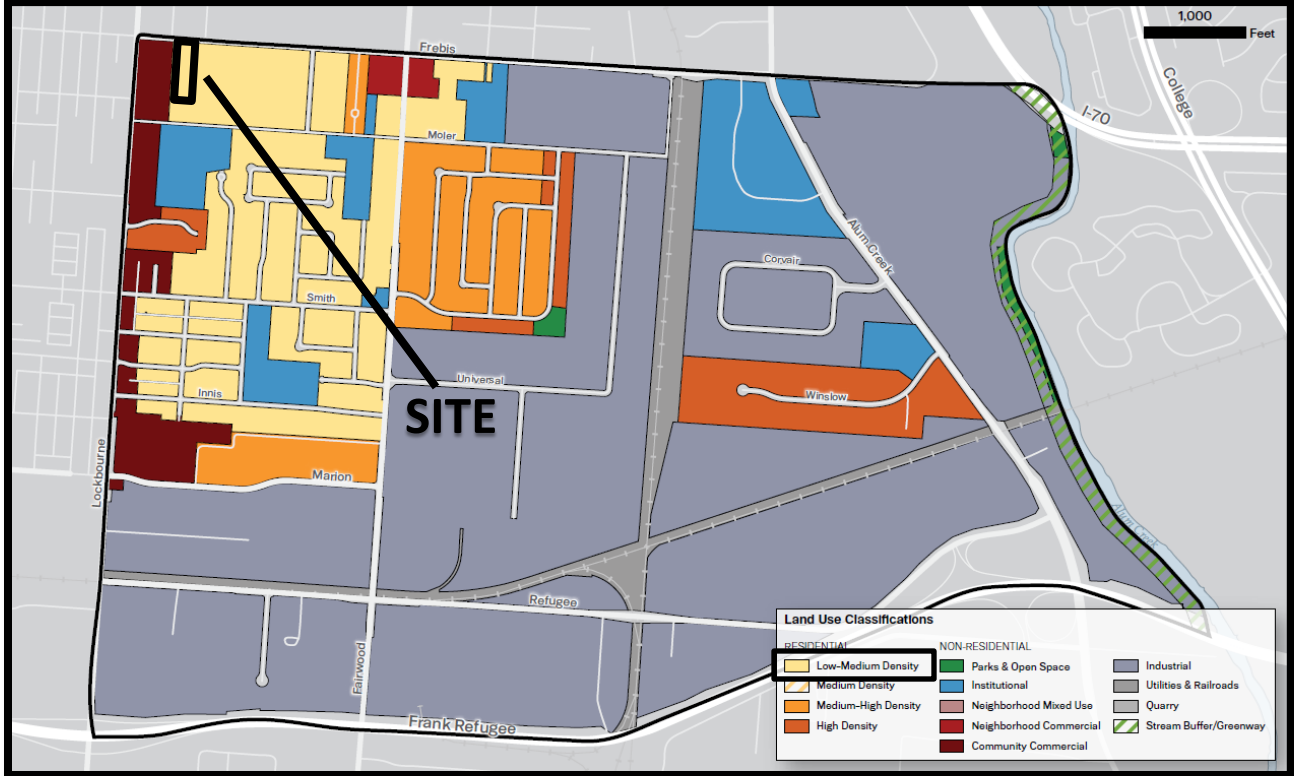
The granting of the variances will not be injurious to neighboring properties and will not be contrary to the public interest or the intent and purpose of the Zoning Code. The requested

variances will not result in any changes to the uses or improvement of the site. There will be no changes or increases in traffic patterns or congestion. There will be no emissions of light, noise, or particulates, nor any other impact upon any adjacent properties or the neighborhood. Finally, the uses are consistent both with the historical use of the property, as well as those of the neighborhood, as Building B abuts residential property and Building A abuts the commercial properties fronting Lockbourne Road.



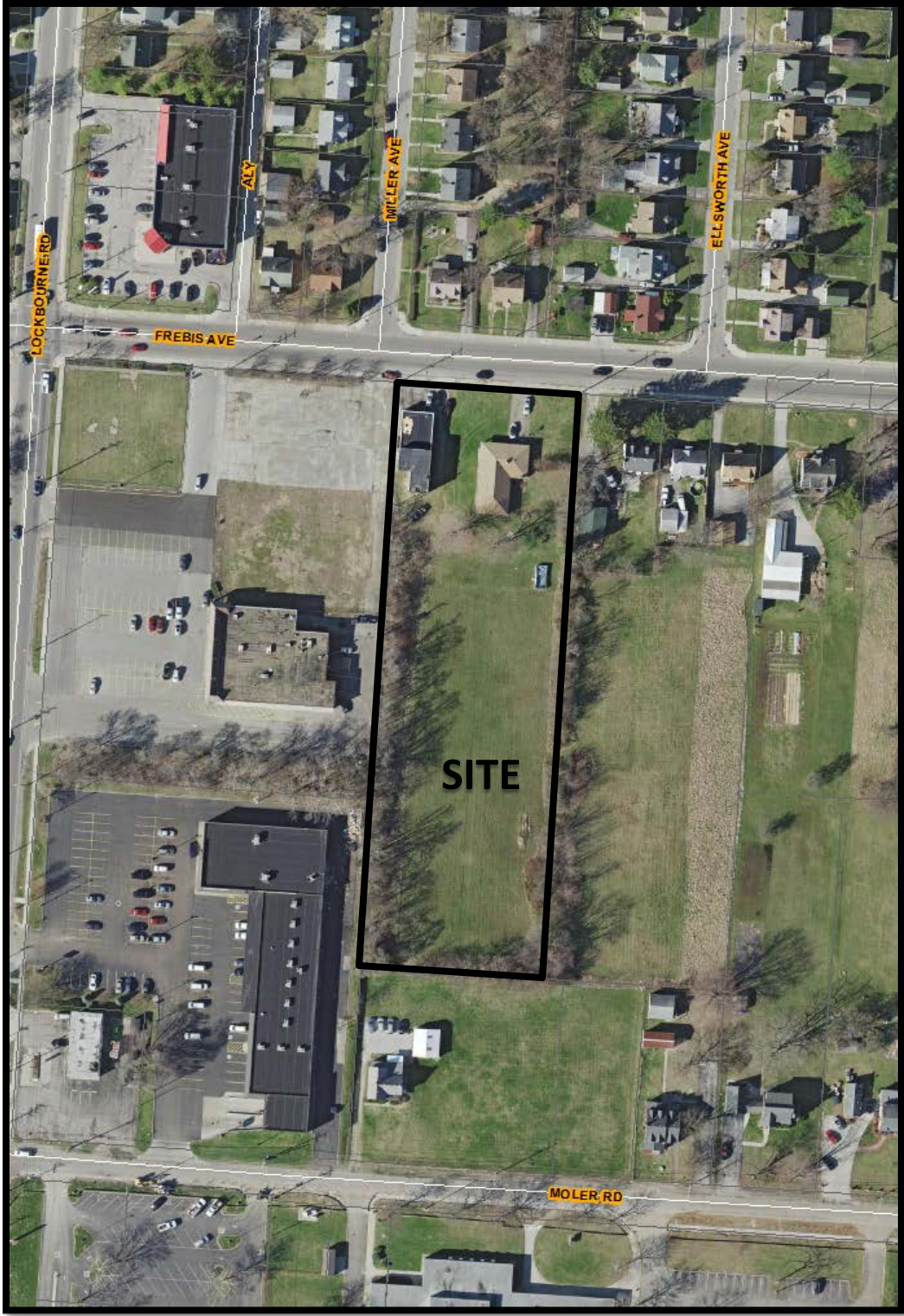
CV18-016
1221 Frebis Avenue
Approximately 2.48 acres

FIGURE 12: FUTURE LAND USE PLAN: QUADRANT 4



South Side Plan (2014)

CV18-016
1221 Frebis Avenue
Approximately 2.48 acres



CV18-016
1221 Frebis Avenue
Approximately 2.48 acres



DEPARTMENT OF BUILDING AND ZONING SERVICES

Standardized Recommendation Form

111 North Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

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

(PLEASE PRINT)

Case Number: CV18-016
Address: 1221 Frebis Avenue, Columbus, Ohio 43206
Group Name: Columbus Southside Area Commission
Meeting Date: May 22, 2018

- Specify Case Type:
[] BZA Variance / Special Permit
[X] Council Variance
[] Rezoning
[] Graphics Variance / Plan / Special Permit

Recommendation:
(Check only one and list basis for recommendation below)
[X] Approval
[] Disapproval

NOTES:
[Handwritten notes area]

Vote: 13 FOR 0 AGAINST
Signature of Authorized Representative: [Handwritten Signature]
SIGNATURE: SOUTH SIDE AREA COMMISSION
RECOMMENDING GROUP TITLE:
DAYTIME PHONE NUMBER: 614-285-4901 x1100

Please e-mail this form to the assigned planner within 48 hours of your meeting day; or FAX to Zoning at 614-645-2463; or MAIL to: Assigned Planner, City of Columbus, Department of Building & Zoning Services, 111 N. Front St., Columbus, OH 43215.

Council Variance Application

111 North Front Street, Columbus, Ohio 43215

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PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

APPLICATION #: CV18-016

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Samuel A. Goldberg
of (COMPLETE ADDRESS) 1465 North 6th Street, Columbus, Ohio 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

<p>1. Senator Equity II, LLC (100% owned by Samuel Goldberg) 1465 North 6th Street Columbus, OH 43201</p> <p>Number of Columbus based employees 1 Samuel Goldberg: 919-593-0606</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT *Samuel A. Goldberg*

Subscribed to me in my presence and before me this 26th day of March, in the year 2018

SIGNATURE OF NOTARY PUBLIC *Brent D. Rosenthal*

My Commission Expires: MARCH 17, 2023



This Project Disclosure Statement expires 6 months after date of Notarization.
BRENT D. ROSENTHAL, Attorney-At-Law
Notary Public - State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.



This Project Disclosure Statement expires 6 months after date of Notarization.
BRENT D. ROSENTHAL, Attorney-At-Law
Notary Public - State of Ohio
My Commission has no expiration date
Sec. 147.03 R.C.

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