



NEW RESIDENTIAL/COMMERCIAL
307 EAST FIFTH AVENUE
COLUMBUS OHIO



4/28/14

CV14-025

**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

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

Signature of Applicant

Louis J. Klon

Date

1/15/14

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 all checks payable to the Columbus City Treasurer

CV14-025

STATEMENT OF HARDSHIP**305-307 E FIFTH AVENUE****COLUMBUS, OHIO**

This application is for two (2) adjacent parcels with one owner, 305 & 307 E. Fifth Avenue.

Both 305 and 307 are existing platted lots that front on E. Fifth Avenue on the north and front on Greenwood Avenue on the south. Both parcels are 32' wide and 173.23' deep. 305 has a two (2) story commercial looking structure fronting on E. Fifth Avenue that was built in 1920 and was and continues to be used for commercial uses. 307 is vacant.

Both 305 and 307 are zoned R-4. The commercial use in 305 is a legal, nonconforming use.

The owner wishes to continue the commercial uses on the first floor of 305 and convert the second floor to residential units, and to construct a two (2) story structure fronting on E. Fifth Avenue on 307 with commercial uses on the first floor and residential units on the second floor. The owner also wishes to construct a single family home on 307 fronting on Greenwood Avenue.

Beginning in the early 1900's, this area of E. Fifth Avenue was developed with a mixture of commercial and residential structures for a mixture of commercial and residential uses. The owner seeks use variances to permit the same: commercial uses on 305, commercial uses on 307, and residential units on both parcels.

As is common in historical areas of the City, use types are not designated to one subdivision or the other but are mixed. Also, lots are narrower and deep to accommodate greater density. The owner seeks variances to permit mixed uses historically intended for this area and the improvements to accommodate those uses on lots that were not designed under the current zoning code.

The use of the parcels for commercial and residential use will not adversely affect the surrounding neighborhood which was and is developed with commercial and residential structures. The development will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of the 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.

The requested variances address the practical difficulties of developing parcels not designed under the current zoning code and unusual hardships of permitting mixed uses under the current R-4 district.

LIST OF VARIANCES

305 E FIFTH AVENUE & 307 E FIFTH AVENUE

1. 3332.039 R-4:

>305 E. Fifth Ave: A variance to permit commercial uses except restaurant use* on the 1st floor.

>307 E. Fifth Ave: A variance to permit commercial uses including restaurant use* on the 1st floor, and to permit one single family dwelling and one dwelling with four (4) dwelling units on one lot.

2. 3332.05 Area District Lot Width Requirements:

>305 E. Fifth Ave: To permit a lot width measured at the front lot line of no less than 32 feet.

>307 E. Fifth Ave: To permit a lot width measured at the front lot line of no less than 32 feet.

3. 3332.15 R-4 Area District Requirements:

>307 E. Fifth Ave: To permit a single family dwelling and a dwelling with four (4) dwelling units to be situated on a lot with an area that is 5,543 square feet (3,072 square feet per 3332.18(C)**), being 1,109 square feet per dwelling unit.

4. 3332.21(F) Building Line:

> 305 E. Fifth Ave: To permit the building line to be zero (0) feet from the front lot line.

>307 E. Fifth Ave: To permit the building line to be seven (7) feet from the lot line on the north and to be six (6) feet from the lot line on the south.

5. 3332.25 Maximum Side Yards Required:

>305 E. Fifth Ave: To permit the sum of the widths of each side yard to be less than 20 percent of the width of the lot and to be 3.2 feet.

>307 E. Fifth Ave: To permit the sum of the widths of each side yard to be less than 20 percent of the width of the lot and to be 6 feet.

6. 3332.26 Minimum Side Yard Permitted:

>305 E. Fifth Ave: To permit the minimum side yard to be less than 3 feet and be 0.6 feet on the east and 2.5 feet on the west.

7. 3332.27 Rear Yard:

>307 E. Fifth Ave: To permit the 25 percent rear yard of the total lot area to be shared by the single family dwelling and the dwelling with four (4) dwellings units.

8. 3332.28 Side or Rear Yard Obstruction:

>305 E. Fifth Ave: To permit the area required to be open from the finished grade to the sky in the rear yard to be obstructed by pavement for parking and maneuvering.

>307 E. Fifth Ave: To permit the area required to be open from the finished grade to the sky in the rear yard to be obstructed by pavement for parking and maneuvering.

9. 3312.49 Minimum Number of Parking Spaces:

>307 E. Fifth Ave: To permit nine (9) on-site parking spaces when 28 are required for most intense retail and restaurant uses on the condition that if a restaurant use (any eating or drinking establishment) is proposed to occur at 307 E. Fifth Ave. , documentation of a recorded, off-site parking lease providing a minimum of 10 parking spaces for use by the subject property on a contiguous lot within 750 feet of the subject property is required to be provided prior to the approval of a site compliance plan.***

10. 3312.25 Maneuvering:

>305 E. Fifth Ave: To permit maneuvering areas for parking spaces to occur on the adjacent lot known as 307 E. Fifth Ave.

>307 E. Fifth Ave: To permit maneuvering areas for parking spaces to occur on the adjacent lot known as 305 E. Fifth Ave.

11. Parking Setback Line:

>305 E Fifth Ave: To permit the parking setback line to be less than ten (10) feet.

(*): The “commercial” uses sought under the Council Variance are as follows:

> All uses permitted under 3351.03 C-1 except restaurant use in 305

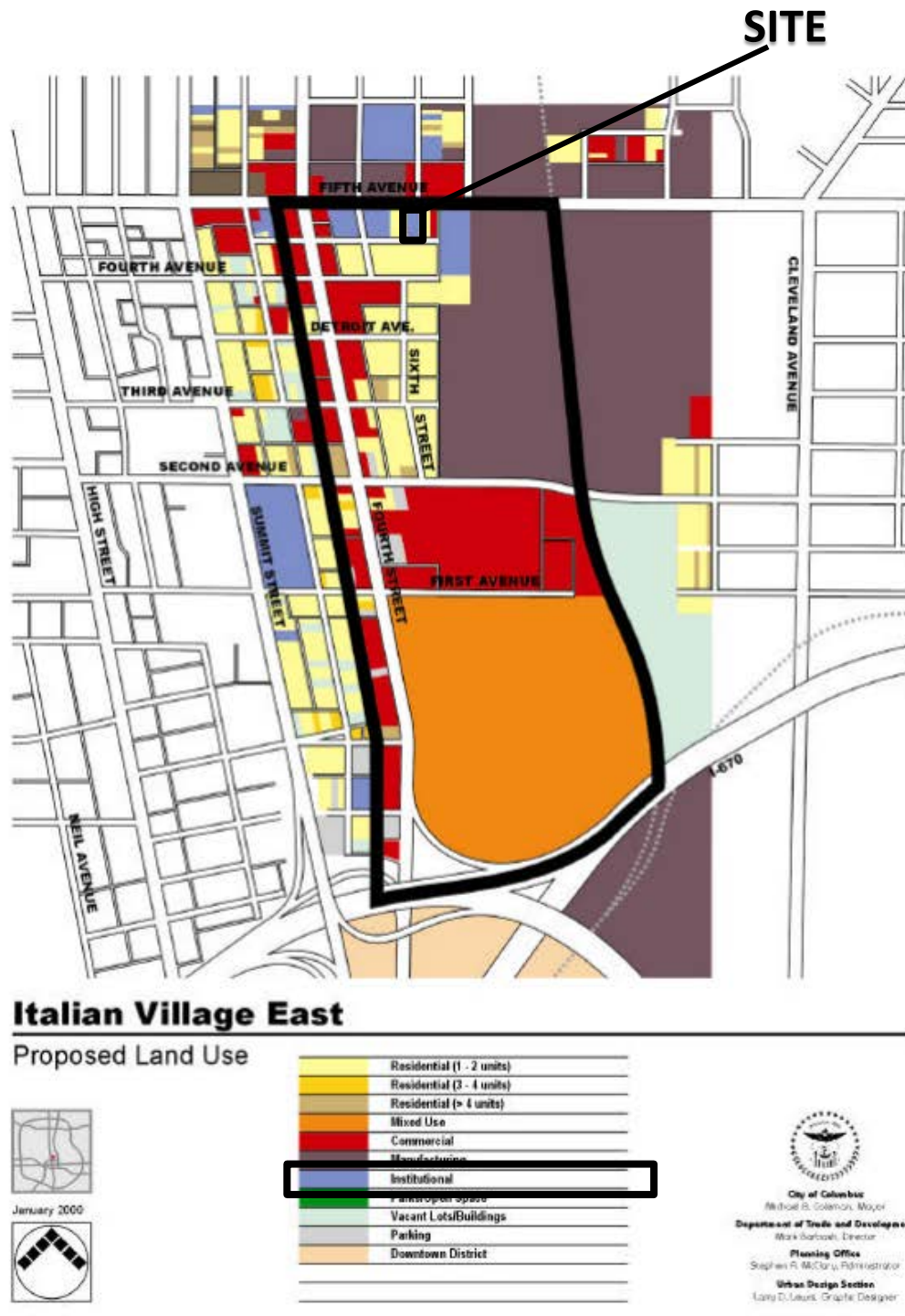
> All uses permitted under 3351.03 C-1 including restaurant use in 307

(**): Basis of Computing Area: According to 3332.18(C), if the depth of a lot in a R-4 district is more than three times the width of such lot, a depth of only three times such width shall be used in computing density. 307 E. Fifth Ave. has a width of 32’ and a depth of 173.23’ which is more than three times the width, therefore, the area of 305 E. Fifth is $32' \times 96 = 3,072$.

(*)**: 305 E. Fifth Avenue has eight (8) parking spaces and only six (6) spaces are required. Therefore, two (2) of the parking spaces located on 305 E. Fifth Avenue will be available for use by 307 E. Fifth Avenue, which will be confirmed in an easement granted to 307 E. Fifth for parking, access and maneuvering on 305 E. Fifth. Therefore, 307 E. Fifth will have 9 parking spaces on-site and 2 parking spaces on the adjacent 305 E. Fifth by easement, making the parking shortage only 17 spaces.



CV14-025
305 E. 5th Avenue
Approximately 0.25 acres





CV14-025
305 E. 5th Avenue
Approximately 0.25 acres

STEVEN R. SCHOENY
Director

COPY

THE CITY OF
COLUMBUS
MICHAEL B. COLEMAN, MAYOR

HISTORIC DISTRICT COMMISSION RECOMMENDATION

ITALIAN VILLAGE COMMISSION

This is a recommendation to the appropriate regulatory body as identified per City Code. It is not a zoning clearance or a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance and/or building permit from the City of Columbus Department of Building & Zoning Services (645-6090 / 757 Carolyn Avenue) and following all other applicable codes and ordinances of the City of Columbus.

PROPERTY ADDRESS: 305 & 307 E. Fifth Avenue

APPLICANT'S NAME: Connie J. Klema, Attny. (Applicant)

The New Victorians (Owner)

APPLICATION NO.: 14-5-15

COMMISSION HEARING DATE: 5-27-2014

The Italian Village Commission hereby certifies that the application for the above referenced property and a copy of this Recommendation are on file with the city's Historic Preservation Office. The Commission has reviewed the application and taken the following action(s) in accordance with Columbus City Code 3116 & 3119 and the architectural guidelines:

☒ **Variance or Zoning Change Request**

- ☐ Rezoning
- ☒ Parking Variance
- ☒ Change of Use
- ☐ Lot Split

- ☐ Special permit
- ☒ Setbacks
- ☒ Other

TYPE(S) OF ACTION(S) REQUESTED:

Upon review of Application #14-5-15, 305 & 307 East Fifth Avenue, the Italian Village Commission recommends approval of the proposed variances, as follows:

- 1) 3332.039 R-4:
 - 305 E. Fifth Ave: A variance to permit commercial uses, except restaurant use, *on the 1st floor.
 - 307 E. Fifth Ave: A variance to permit commercial uses, including restaurant use,* on the 1st floor, and to permit one single family dwelling and one dwelling with four (4) dwelling units on one lot.
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MOTION: Goodman/Cooke (5-0-1 [Sudy]) APPROVAL RECOMMENDED

RECOMMENDATION:

☒ RECOMMEND APPROVAL ☐ RECOMMEND DENIAL ☐ NO ACTION TAKEN

THIS RECOMMENDATION IS FOR CONSIDERATION BY THE DESIGNATED REGULATORY AUTHORITY FOR THE ACTION(S) REQUESTED AS INDICATED.


 Randy F. Black
 Historic Preservation Officer

**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 #

CM14-025

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] CONNIE J. KLEMA, ATTORNEY

Of [COMPLETE ADDRESS] 145 E. RICH ST, 2ND FL, COLS, 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

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. <u>NEW VICTORIANS, INC.</u> <u>455 W. THIRD AVE</u> <u>COLS, OH 43201</u> <u>NUMBER OF COLS. BASED EMPLOYEES = 6</u> <u>JOE ARMENI - 614-291-7555</u>	2.
3.	4.

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 21ST day of April, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

GORDON P. SHULER, Attorney At LawNOTARY PUBLIC - STATE OF OHIOMY COMMISSION HAS NO EXPIRATION DATESECTION 147.03 R. C.

Notary Seal Here

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

PLEASE NOTE: incomplete information will result in the rejection of this submittal.
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 Please make all checks payable to the Columbus City Treasurer