

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.







City of Columbus
Mayor Michael B. Coleman

Department of Development Building Services

757 Carolyn Avenue • Columbus, Ohio • 43224 • (614) 645-7314

FOR USE BY: AREA COMMISSIONS / CIVIC ASSOCIATIONS / ACCORD PARTNERS

STANDARDIZED RECOMMENDATION FORM

Group Name: 5th NW Area Commission Meeting Date: 4-5-11

Case Number: CV11-006 Case Type: Council Variance Rezoning

Zoning Address: 1733 West Jud Ave Applicant: Scott Henningsen

Person(s) Representing Applicant at Meeting: Scott Henningsen

Conditions Requested by Group (Add continuation sheet if needed): Area Commissions see note at bottom.	Applicant Response	
	Yes	No
1. Council Variance is not transferable B Shalter said ok to remove 6/7/11	<input type="checkbox"/>	<input type="checkbox"/>
2. new property owner of 1733 West Jud Ave	<input type="checkbox"/>	<input type="checkbox"/>
3. Henningsen sells property	<input type="checkbox"/>	<input type="checkbox"/>
4. _____	<input type="checkbox"/>	<input type="checkbox"/>
5. _____	<input type="checkbox"/>	<input type="checkbox"/>
6. _____	<input type="checkbox"/>	<input type="checkbox"/>
7. _____	<input type="checkbox"/>	<input type="checkbox"/>
8. _____	<input type="checkbox"/>	<input type="checkbox"/>

Recommendation

Approval Disapproval Conditional Approval (list conditions and applicant response above)

Explain the basis for Approval, Disapproval or Conditional Approval below (Add continuation sheet if needed).

Recommending Commission / Association / Accord Partner Vote: For 6 Against 0

Signature / Title of Authorized Representative: Bruce Shalter

Daytime Phone Number: 614-4887110 c. 614-477-3801

Note to Area Commissions: Ordinances sent to Council will contain only recommendations for "approval" or "disapproval." Recommendations for "conditional approval" will be treated as a disapproval, if, at the time the ordinance is sent to Council, any condition that was checked "No" on the Standardized Recommendation Form has not been resolved as documented in writing by the recommending body or party.



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

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 APPLICATION # CV 11-006
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 HENNINGSEN LLC
Business of individuals address 1242 LINCOLN RD, COLUMBUS 43211
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees 1
Contact name and number SCOTT HENNINGSEN
614-271-0928

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

SIGNATURE OF AFFIANT [Signature]
Subscribed to me in my presence and before me this 25 day of FEB, in the year 2011
SIGNATURE OF NOTARY PUBLIC [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

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

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