



DEPARTMENT OF BUILDING AND ZONING SERVICES

COUNCIL VARIANCE APPLICATION

Department of Building & Zoning Services

Scott Messer, Director
757 Carolyn Avenue, Columbus, Ohio 43224
Phone: 614-645-7433 • www.bzs.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

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 Exhibit 'B'

Multiple horizontal lines for listing variances and reasoning.

Signature of Applicant

Handwritten signature of Donald Peak

Date

Handwritten date 8/29/17

Consultant:

Handwritten signature of David B. Perry

(David B. Perry)

Date:

Handwritten date 8-29-17

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

Handwritten number CU17-062

## Exhibit B

### Statement of Hardship

CV17-062, 875 N. Fourth Street, Columbus, OH 43201

The site is pending rezoning (Z17-~~036~~) to the CPD, Commercial Planned District. This variance application is made in conjunction with the pending rezoning to permit one (1) ground level dwelling unit in Subarea 1.

Applicant has a hardship in that there is no commercial zoning district to which the property could be rezoned for the proposed development including a ground floor dwelling unit. Applicant has a practical difficulty to provide a ground level accessible dwelling unit without a variance.

Applicant requests a variance from the following section of the Columbus Zoning Code:

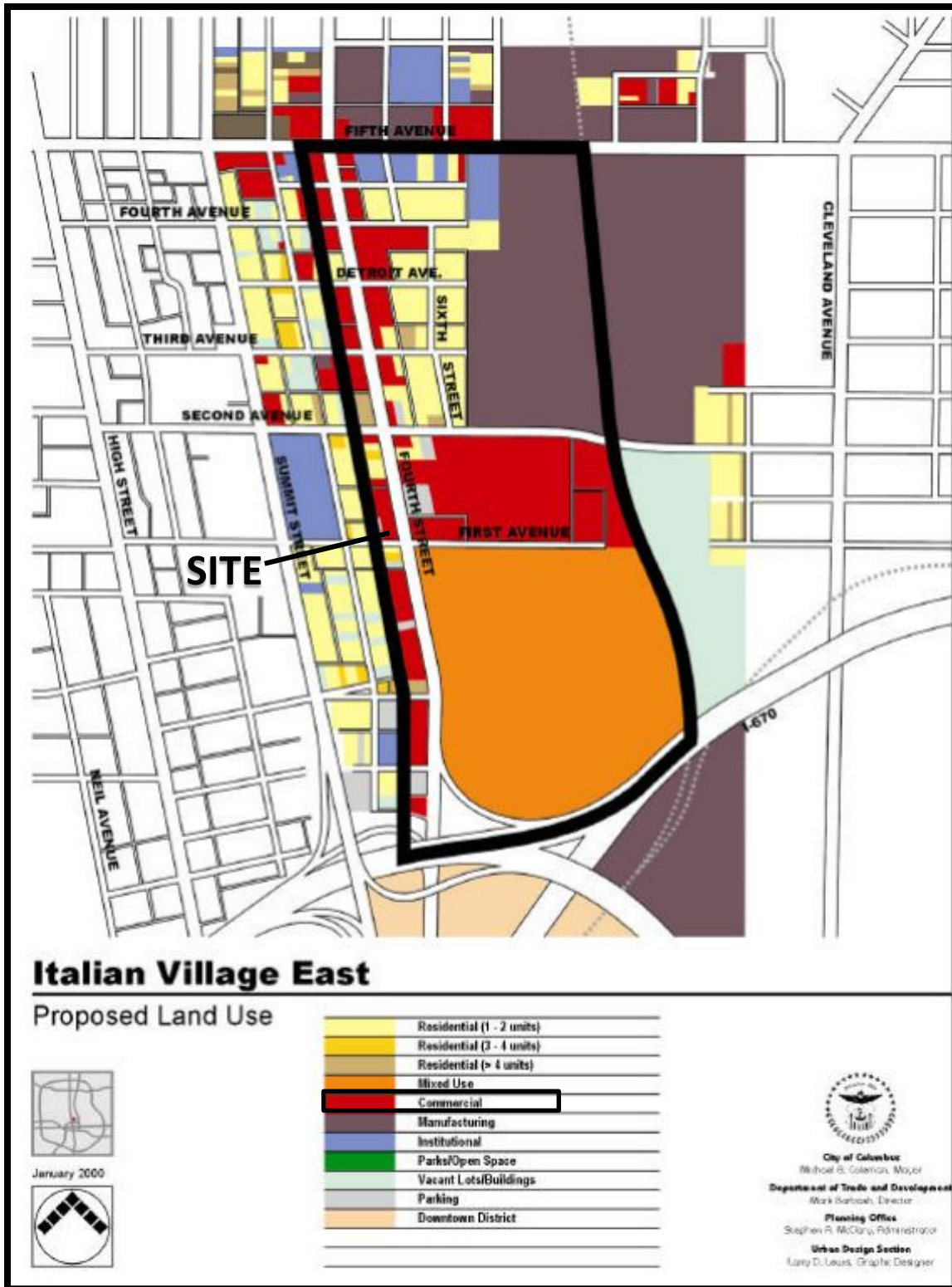
- 1). Section 3356.03, C-4 Permitted Uses, to permit one (1) ground level dwelling unit in Subarea 1.

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CUM-062



CV17-062  
875 North Fourth Street  
Approximately 0.35 acres



CV17-062  
875 North Fourth Street  
Approximately 0.35 acres





CV17-062  
875 North Fourth Street  
Approximately 0.35 acres

## 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:** 875 N. Fourth St.

**APPLICANT'S NAME:** Lykens Companies C/O Dave Perry (Applicant)  
LS Development Systems, LLC (Owner)

**APPLICATION NO.:** 17-9-17

**COMMISSION HEARING DATE:** 9-19-17

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:**

Recommend approval of application #17-9-17, 875 N. Fourth St., as submitted:

Variance Recommendation Request

- The 0.55 +/- acre site is located at the northwest corner of North Fourth Street and East First Avenue. The property is zoned M, Manufacturing, and is within the Italian Village Urban Commercial Overlay (UCO). A new building (875 N Fourth Street) at the corner has been approved by the IVG. Two (2) other existing buildings (883 N Fourth Street and 889 N Fourth Street) are included in the zoning applications. Applicant proposes to rezone (Z17-036) the property to the CPD, Commercial Planned Development District to permit reuse of the buildings for commercial uses with dwelling units above ground floor commercial use at 875 N Fourth Street, in addition to site variances as noted in the submitted materials. A variance (CV17-062) application is also pending to permit one ground level accessible dwelling unit in the CPD at 875 N. Fourth Street.

Subarea 1

- 3309.14, Height Districts, to increase the permitted height from 35' (H-35) to 38' for the new building.
- 3312.29, Parking Space, to reduce the width of parking spaces from 9 feet to 8.5 feet on Subarea 1 and to permit one (1) parking space to be divided by the property line of Subarea 1 and Subarea 2, thereby providing 5.5 +/- feet of the width of a parking space on Subarea 1 and 3.5 +/- feet on Subarea 2.
- 3312.25, Maneuvering, to reduce maneuvering for one (1) parking space to zero (0) to permit maneuvering across a property line onto Subarea 2, and to permit one (1) parking space to be divided by the property line of Subarea 1 and 2, thereby dividing the maneuvering area on Subarea 1 and 2, both subject to applicable easements to provide code required maneuvering.

Subarea 2

- 3312.29, Parking Space, to permit one (1) parking space to be divided by the property line of Subarea 1 and Subarea 2, thereby providing 5.5 +/- feet of the width of a parking space on Subarea 1 and 3.5 +/- feet on Subarea 2.



STEVEN R. SCHOENY  
Director



DEPARTMENT OF  
DEVELOPMENT

- 3312.25, Maneuvering, to permit one (1) parking space to be divided by the property line of Subarea 1 and 2, thereby dividing the maneuvering area on Subarea 1 and 2, subject to applicable easement(s) to provide code required maneuvering.
- 3.3321.05(B)(1) , Vision Clearance, to reduce the 10' x 10' clear vision triangle for the driveway on North Fourth Street to 5' x 5'.
- 3372.604(A)(B), Setback Requirements, to increase the permitted maximum building setback from ten (10) feet to eighty-five (85) feet on N. Fourth Street, and to permit the existing parking lot in front of the building, to conform the existing building and parking setbacks to the UCO, as depicted on the Site Plan.

Subarea 3

- 3372.604(A), Setback Requirements, to increase the permitted maximum building setback from ten (10) feet to twenty-two (22) feet on N. Fourth Street, to conform the existing building setback to the UCO, as depicted on the Site Plan.
- 3312.25, Maneuvering, to permit stacked two (2) parking spaces located in front of two (2) parking spaces, thereby not providing maneuvering area for the two (2) interior parking spaces.
- 3321.01, Dumpster Area, to permit a dumpster to be located behind a parking space, thereby not providing independent vehicular access to the dumpster.

MOTION: Goodman/Maas (3-0-1) APPROVED. [Sudy Abstained]

**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





**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 # 2017-062

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank (Plank Law Firm) -----

of (COMPLETE ADDRESS) 411 East Town Street, 2nd Floor, Columbus, Ohio 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 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. Lykens Companies 1020 Dennison Avenue, Suite 102 Columbus, Ohio 43201 # of Columbus Based Employees: 10 Contact: Kevin Lykens 614-653-1212</p>	<p>2. LS Development Systems, LLC 1020 Dennison Avenue, Suite 102 Columbus, Ohio 43201 # of Columbus Based Employees: 0 Contact: Kevin Lykens 614-653-1212</p>
<p>3. Blankenship Family, LLC 1020 Dennison Avenue, Suite 102 Columbus, Ohio 43201 # of Columbus Based Employees: 0 Contact: Kevin Lykens 614-653-1212</p>	<p>4. _____</p>

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

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 29th day of August, in the year 2017

Stacey L. Danza  
NOTARY PUBLIC

11-5-2018  
My Commission Expires



**Stacey L. Danza**  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018

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