



DEPARTMENT OF BUILDING
AND ZONING SERVICES

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 #: CU 18-044

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):

Please see Exhibit B.

Signature of Applicant

Donald Bank, attorney

Date

6/8/18

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

Exhibit B
Council Use Variance – Hardship Standard
259 East Livingston Avenue, Columbus, Ohio (Certified Address)

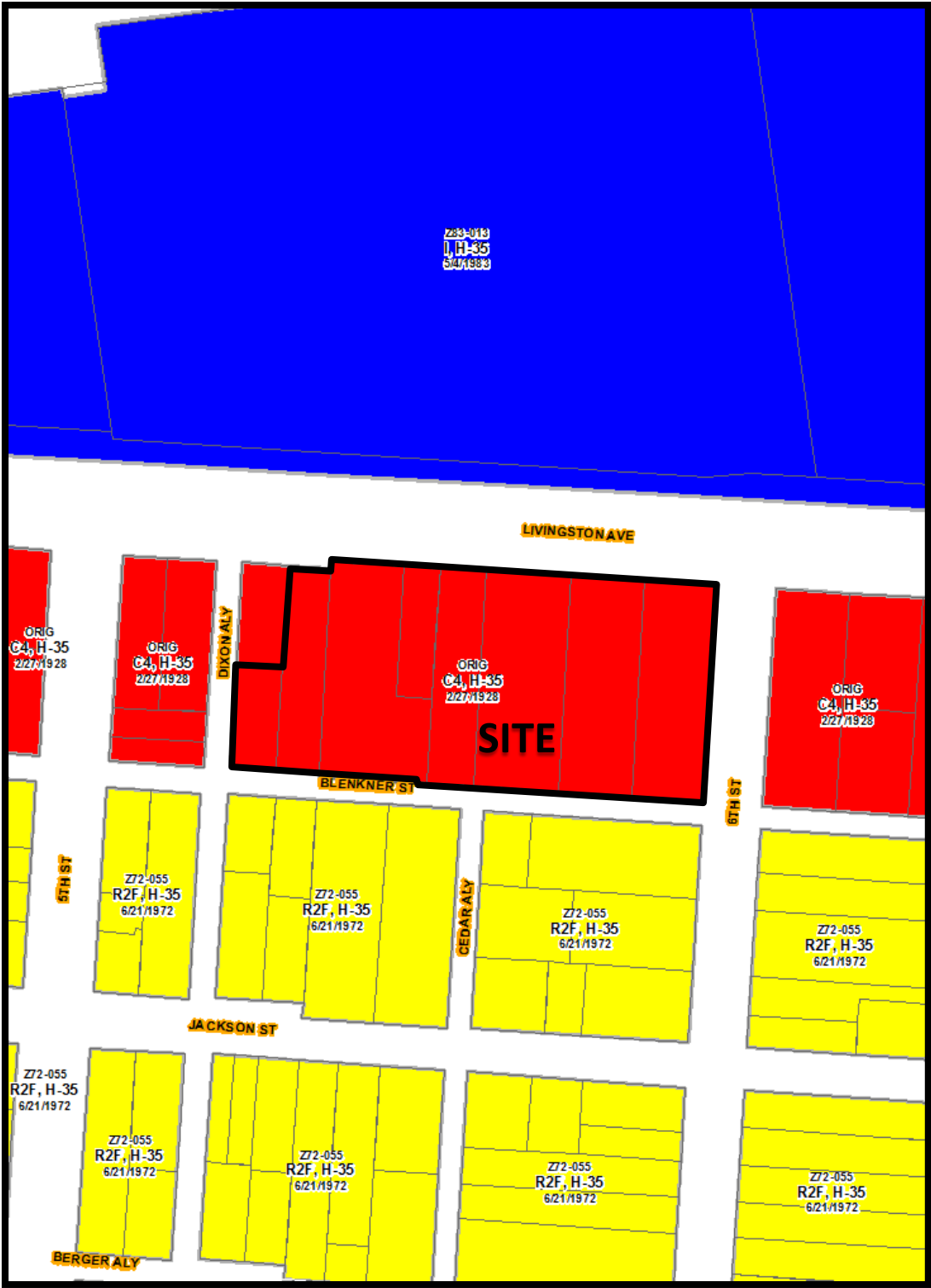
Applicant proposes to convert existing houses back to residential on the subject property consisting of eight (8) Franklin County Auditor Tax Parcel Id. No.'s with a certified address of 259 East Livingston Avenue, Columbus, Ohio 43215 (the "Property"). The Property is zoned C-4 Commercial District, which prohibits residential on the first floor. In the C-4 District, specifically under Section 3356.03(E) and Section 3356.05(C) of Title 33 of the City of Columbus Code of Ordinances (the "Zoning Code"), it is contemplated that residential dwelling units are permitted above the ground floor of the building. The Applicant is seeking a use variance under Section 3307.10 of the Zoning Code for the use of the ground floor of the existing buildings and the Property, in general, as residential, multi-family dwelling units. The use variance would permit residential on the first floor of existing buildings in the C-4 Commercial District. Five (5) of the Seven (7) existing buildings on the Property will be converted to residential on the ground floor having the following Franklin County Auditor Tax Parcel Id. No.'s and addresses: 010-030661-00 (247 Livingston Avenue), 010-018301-00 (259-263 Livingston Avenue), 010-030544-00 (Livingston Avenue), and 010-056196-00 (267 Livingston Avenue), and there would be 12 residential units among them.

The proposed use on the ground floor of the building and the Property, in general, for residential, multi-family dwelling units will not adversely affect the surrounding property or surrounding neighborhood, which is developed, but changing, and consists of mixed uses, such as commercial, residential, and institutional uses. To the south of the Property, established uses are residential; to the east of the Property (across East 6th Street), established uses are commercial; to the west of the Property (across Dixon Alley), established uses are commercial; to the north of the Property, the immediate property to the north was a former high school, but Nationwide Children's Hospital has purchased the ground and may establish surface parking on the property. Further north (north of I-70), properties are situated in the Downtown District and are primarily commercial. The essential character of the neighborhood is a true mixed-use neighborhood. The mixed-uses in the neighborhood, including the proposed use, support a pedestrian-friendly environment for persons who live in the general area to walk to the nearby offices for work or to conduct business and to the retail restaurants, stores, and shops for consumption of goods and services.

In addition, the Columbus Comprehensive Plan (the "Comprehensive Plan") at page 21 recommends "mutually supportive mixed uses and pedestrian orientation within neighborhoods." Furthermore, a stated goal of the Comprehensive Plan on a City-wide basis is to "maintain an appropriate mix of land uses in all communities". This use - as a multi-family residential use - is consistent with, and supports, the stated recommendations and goals of the Comprehensive Plan.

It is clear that Applicant will suffer a hardship or difficulty that warrants a use variance from the strict compliance with, and adherence to, the Zoning Code, as the buildings are existing and are currently non-conforming. The Applicant would like to obtain the property land use approvals for the existing uses as residential on the ground floor. This variance, if approved, would not impair, or alter in any way, the adequate supply of light and air to the adjacent properties or unreasonably increase the congestion of public streets; increase the danger of fires; endanger the public safety; or unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus. The German Village Commission recommends approval of this request.

Applicant respectfully requests approval of this use variance by Columbus City Council to allow multi-family residential dwelling units in the ground floor of the existing buildings on the Property.



CV18-044
259 East Livingston Avenue
Approximately 0.98 acres



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259 East Livingston Avenue
Approximately 0.98 acres

HISTORIC DISTRICT COMMISSION RECOMMENDATION

GERMAN 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: 259 E. Livingston Avenue (aka 247-281 East Livingston Avenue)

APPLICANT'S NAME: Donald T. Plank, Attny. (Applicant)

Toula Management, LLC; 281 Livingston, LLC; & 277 Livingston, LLC. (Owner)

APPLICATION NO.: 18-7-39

COMMISSION HEARING DATE: 9-5-2018

The German 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.

☒ **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 #18-7-39, 259 E. Livingston Avenue (aka 247-281 East Livingston Avenue), the German Village Commission recommends approval of the proposed variances, as amended by Applicant:

- Applicant withdraws the Variances numbered as 1-8.

Request for Variance Recommendation

In regard to properties D, F, B, G, and H only, on the submitted site plan dated 8/20/2018:

9. Sections 3356.03(E) and 3356.05(C) of the Zoning Code related to residential use on the first floor of buildings in the C-4, Commercial Zoning District. Applicant seeks a variance from the C-4 District which prohibits residential on the first floor. Applicant proposes to convert five existing buildings back to residential on the first floor of all buildings.

Reasons for Recommending Approval:

Sanborn Fire Insurance maps clearly indicate that properties D, F, B, G, and H on the submitted site plan were originally residential.

MOTION: Panzer/Thiell (5-0-0) 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.

Historic Preservation Office *cet*

Historic Preservation Office



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AND ZONING SERVICES

Council Variance Application

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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 #: CV18-044

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald T. Plank
of (COMPLETE ADDRESS) 411 East Town Street, Floor 2, 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

1. Toulia Management LLC Post Office Box 1595 Dublin, Ohio 43017 Columbus-based employees: 0 Principals: Edward A. Mershad (50%)/Richard M. Mershad (50%) Contact: Edward A. Mershad - (614) 571-1178	2. 277 Livingston LLC Post Office Box 1595 Dublin, Ohio 43017 Columbus-based employees: 0 Principals: Edward A. Mershad (50%)/Richard M. Mershad (50%) Contact: Edward A. Mershad - (614) 571-1178
3. 281 Livingston LLC Post Office Box 1595 Dublin, Ohio 43017 Columbus-based employees: 0 Principals: Edward A. Mershad (50%)/Richard M. Mershad (50%) Contact: Edward A. Mershad - (614) 571-1178	4.

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

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 8th day of June, in the year 2018

SIGNATURE OF NOTARY PUBLIC

Rebecca J. Mott

My Commission Expires:

no expiration date

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

Notary Seal Here

REBECCA MOTT, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Dec. 17, 2018

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