



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

CV14-008

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

Cornel J. Klewin attorney

Date

2/25/14

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

COUNCIL VARIANCE

94 E. 3RD AVENUE

STATEMENT OF HARDSHIP

94 E. 3rd Avenue (the "Property") is located on the northeast corner of East 3rd Avenue and Say Avenue in Italian Village approximately one block east of High Street. The Property, which is 0.394 acres, was developed in 1922 with a 6660 square foot residential structure that was, and continued to be, used as a daycare center until this time.

The Property is zoned R-4. The daycare center has operated as a permitted non-conforming use. The residential structure is located on the eastern portion of the Property. The western portion of the Property that is bordered by Say Avenue and Third Avenue has no structure and is occupied by the outside play area used by the daycare center.

Lots to the east, west and north of the Property have widths ranging from 26' to 76' and are improved with single and multi-family dwellings. A City of Columbus school occupies the property across the street on the south side of E. 3rd Avenue.

The R-4 District permits single and multi-family dwellings with up to four units. The applicant is requesting variances to divide the Property into an east and west lot permitting seven dwelling units in the existing 6660 square foot residential structure and one dwelling unit in a newly constructed carriage house with parking on the eastern lot, and a west lot that will be developed in the future.

The proposed residential use and number of units (8 units on the eastern lot), are in the spirit of what the existing R-4 residential district permits as a multiple dwelling development which is the development of three or more dwellings each containing three or four dwelling units. However, while the number of proposed units is not more than what a multiple dwelling development permits, the units are proposed in dwellings that are less than three units or more than four.

The use of the Property for residential dwellings is permitted in the R-4 District and will not adversely affect the surrounding neighborhood which is developed with single and multi-family dwellings. 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 a large lot zoned for residential use that was not developed for residential use but was used as a daycare, which is a nonconforming use, and unusual hardships associated with developing residential structures with less or more units than permitted in a dwelling in a multiple dwelling development.

COUNCIL VARIANCE

94 E. 3RD AVENUE

LIST OF VARIANCES

(1) 3332.039 R-4 RESIDENTIAL DISTRICT

Interior Lot: To permit two (2) dwellings on one lot and to permit more than four (4) dwelling units in one dwelling and to permit seven (7).

(2) 3332.05 AREA DISTRICT LOT WIDTH REQUIREMENTS

Corner Lot: To permit a lot with a width measured at the front lot line of less than 50 feet and to permit 46' 10 ¼".

(3) 3332.15 R-4 AREA DISTRICT REQUIREMENTS:

Interior Lot: To permit one dwelling above a garage and a dwelling with seven (7) dwelling units to be situated on a lot of no less than 10,112.3 square feet.

(4) 3332.19 FRONTING

Interior Lot: To permit one dwelling above a garage to not front on a public street.

(5) 3332.25 MAXIMUM SIDE YARDS REQUIRED

Interior Lot: To permit the sum of the widths of each side yard of the carriage house to be less than 20 percent of the width of the lot and less than 16 feet and to be 12 feet 3 3/8".

(6) 3332.26 MINIMUM SIDE YARD PERMITTED

Interior Lot: To permit the side yard dimension between the buildings and/or pavement and the side lot lines to be less than five feet.

(7) 3332.27 REAR YARD

Interior Lot: To permit a rear yard totaling less than 25 percent of the total lot area and totaling 7 percent.

(8) 3312.49 MINIMUM NUMBER OF PARKING SPACES REQUIRED

Interior Lot: To permit the minimum number of parking spaces required to be less than two (2) per unit for a one unit carriage house and 1.5 per unit for a dwelling with 7 units and to be 1.125 per unit totaling nine (9).

(9) 3312.29 PARKING SPACE

Interior Lot: To permit one stacked parking space to be counted as a required parking space.

(10) 3312.25 MANEUVERING

Interior Lot: To permit the maneuvering area of one stacked parking space to include the area of its adjacent stacked parking space.



CV14-008
94 East Third Avenue
Approximately 0.39 acres



CV14-008
94 East Third Avenue
Approximately 0.39 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: 94 East Third Avenue

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

North Side Day Nursery Assn. (Owner)

APPLICATION NO.: 14-3-8

COMMISSION HEARING DATE: 3-18-2014

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 #14-3-8, the Italian Village Commission recommends approval of the proposed variances, as follows:

Request for Variance Recommendations

(1) 3332.039 R-4 RESIDENTIAL DISTRICT

Interior Lot: To permit two (2) dwellings on one lot and to permit more than four (4) dwelling units in one dwelling and to permit seven (7).

(2) 3332.05 AREA DISTRICT LOT WIDTH REQUIREMENTS

Corner Lot: To permit a lot with a width measured at the front lot line of less than 50 feet and to permit 46' 10 1/4".

(3) 3332.15 R-4 AREA DISTRICT REQUIREMENTS:

Interior Lot: To permit one dwelling above a garage and a dwelling with seven (7) dwelling units to be situated on a lot of no less than 10,112.3 square feet.

(4) 3332.19 FRONTING

Interior Lot: To permit one dwelling above a garage to not front on a public street.

(5) 3332.25 MAXIMUM SIDE YARDS REQUIRED

Interior Lot: To permit the sum of the widths of each side yard of the carriage house to be less than 20 percent of the width of the lot and less than 16 feet and to be 12 feet 3 3/8".



(6) 3332.26 MINIMUM SIDE YARD PERMITTED

Interior Lot: To permit the side yard dimension between the buildings and/or pavement and the side lot lines to be less than five feet.

(7) 3332.27 REAR YARD

Interior Lot: To permit a rear yard totaling less than 25 percent of the total lot area and totaling 7 percent.

(8) 3312.49 MINIMUM NUMBER OF PARKING SPACES REQUIRED

Interior Lot: To permit the minimum number of parking spaces required to be less than two (2) per unit for a one unit carriage house and 1.5 per unit for a dwelling with 7 units and to be 1.125 per unit totaling nine (9).

(9) 3312.29 PARKING SPACE

Interior Lot: To permit one stacked parking space to be counted as a required parking space.

(10) 3312.25 MANEUVERING

Interior Lot: To permit the maneuvering area of one stacked parking space to include the area of its adjacent stacked parking space.

Note: The Applicant is to return to a future Italian Village Commission hearing for further review of any/all proposed variances for the vacant lot at the northeast corner of Say Avenue and E. Third Avenue.

MOTION: Sudy/Lapp (7-0-0) APPROVAL RECOMMENDED

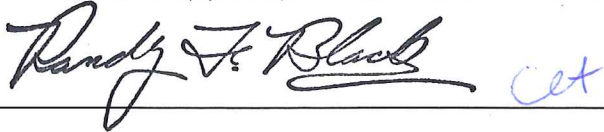
RECOMMENDATION:

RECOMMEND APPROVAL

RECOMMEND DENIAL

NO ACTION TAKEN

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

 *Randy F. Black* *et*

Randy F. Black
Historic Preservation Officer



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.

APPLICATION # CV14-008

STATE OF OHIO
COUNTY OF FRANKLIN

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

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

| | |
|---|-----------|
| <p>1. THE NORTH SIDE DAY NURSERY ASSOC. 162 N. OHIO AVE COLS OH 43203 COLS BASED Employees = 23</p> | <p>2.</p> |
| <p>3. CONTACT: Pierre Bigby (614) 293-5525</p> | <p>4.</p> |

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Connie J. Klemma

Subscribed to me in my presence and before me this 3rd day of March, in the year 2014

SIGNATURE OF NOTARY PUBLIC

Gordon P. Shuler

My Commission Expires:

GORDON P. SHULER, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 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.
Applications must be submitted by appointment. Call 614-645-4522 to schedule.
Please make all checks payable to the Columbus City Treasurer