

**STATEMENT IN SUPPORT OF VARIANCES
2005 Dyer Road**

This statement is filed in support of Applicant's request for variances to permit an accessory structure on a 2.5-acre parcel zoned R, Rural, upon annexation into the City of Columbus. This application is filed following a Zoning Code citation issued for construction of an accessory structure (garage with second-story apartment) without zoning clearance and/or appropriate permits.

The subject property was annexed into the City of Columbus from Jackson Township in November 2004 (Ordinance No.: 1804-04). The owners purchased the property in 1997, prior to annexation. When they purchased the property, the footer for the subject accessory structure was already in place, with a storage shed sitting over top of it. The storage shed was subsequently damaged due to high winds, and was removed. The owners used the existing footer as a base for the new structure.

The residence consists of a single-family home with 1,352 sq. ft. of original floor area. The former attached garage, which was 576 sq. ft. in area, has been enclosed and made into a family room following construction of the detached garage, for a total living area of 1,928 sq. ft.. The home was built in 1953, and does not include a basement. The newly-constructed two-story structure measures 1,024 sq. ft. of floor area. Photos are included with this application.

When the property owners learned of the City's Code limitations for accessory structures, they filed a BZA Variance application in April 2005 without the benefit of legal counsel, and requested the variances needed for the accessory structure. That application was denied. At the time of the prior BZA application, the attached garage had not yet been converted to a family room, and therefore the variance was for an additional garage. Since that time, the conversion has been made and the accessory structure is now a much more appropriate use. Variances are still needed; however, due to the dimensions of the accessory structure and the use of the second story as a dwelling unit.

Because construction had already been started and they had already obtained approval of the Southwest Civic Association, and since the structure would have been allowed in Jackson Township had the property not been annexed for purposes of water and sewer services, the owners continued with construction and the structure is largely completed as of the date of this filing. Applicant now requests approval of the variances necessary to legally retain the existing structure on their property and to rectify citations issued by the City.

Applicant requests the following variances for the two-story garage/apartment structure:

- (1) 3332.02(A)(1) (R, Rural District).**

Applicant requests a variance from §3332.02, permitted uses, to allow the additional living quarters (mother-in-law suite) above the garage on this 2.5-acre parcel zoned R, Rural. The area of the structure is 1,024 sq. ft., which is properly in excess of the minimum floor area for a single-family dwelling.

Because there is no other residential zoning district which allows two detached single-family dwellings on one parcel, this variance to the existing district's permitted uses provision is the only means available to obviate the situation. A rezoning to another residential district would not be appropriate for this specific case.

(2) 3332.28(F)(1) (Private Garage).

Applicant requests a variance from §3332.28(F)(1), to permit a garage in excess of the 720 sq. ft. maximum area for same. The structure to which this variance applies has a floor area of 1,024 sq. ft.

(3) 3332.28(G) (Private Garage).

Applicant requests a variance from §3332.28(G), to permit a two-story garage structure in excess of the 15-foot height limit for same. The structure to which this variance applies is 26 feet high, to accommodate the second-floor apartment.

NOTE: The Code-required 15-foot height is not exceeded for the first-floor garage; however, the total height of the structure does exceed 15 feet due to the second-story apartment. For that reason, the variance is requested to ensure a legal height is established. The height is well below the 35-foot maximum for the zoning district.

Surrounding Property Owners - Accessory Structures:

The size and height of the subject structure may seem large by Code standards. However, it would have been allowed had the property remained in Jackson Township. Photos are included with this submission of just two of the area's accessory garage/storage structures which are as large or larger than the subject structure. Those properties remain in the Township or have been annexed prior to approval of the accessory buildings; however, serve as proof that the Applicant's building is appropriate for the character of this residential area, and will not harm adjoining property owners or alter the character of the neighborhood.

Reasons for Applicants' Request:

Applicant is mindful that the structure they built exceeds the City's limits for same. However, they request that the City also be mindful of the circumstances under which the additional structure was added to the property.

Due to emergency family and medical reasons, the owners of the subject are in the position of raising their three (3) minor grandchildren. That task proved to be most

difficult on a small ranch home with no basement. The additional living and storage considerations of those children being added to their family was notwithstanding their storage needs for lawn care and other general equipment and storage needs for maintenance of their 2.5-acre rural property.

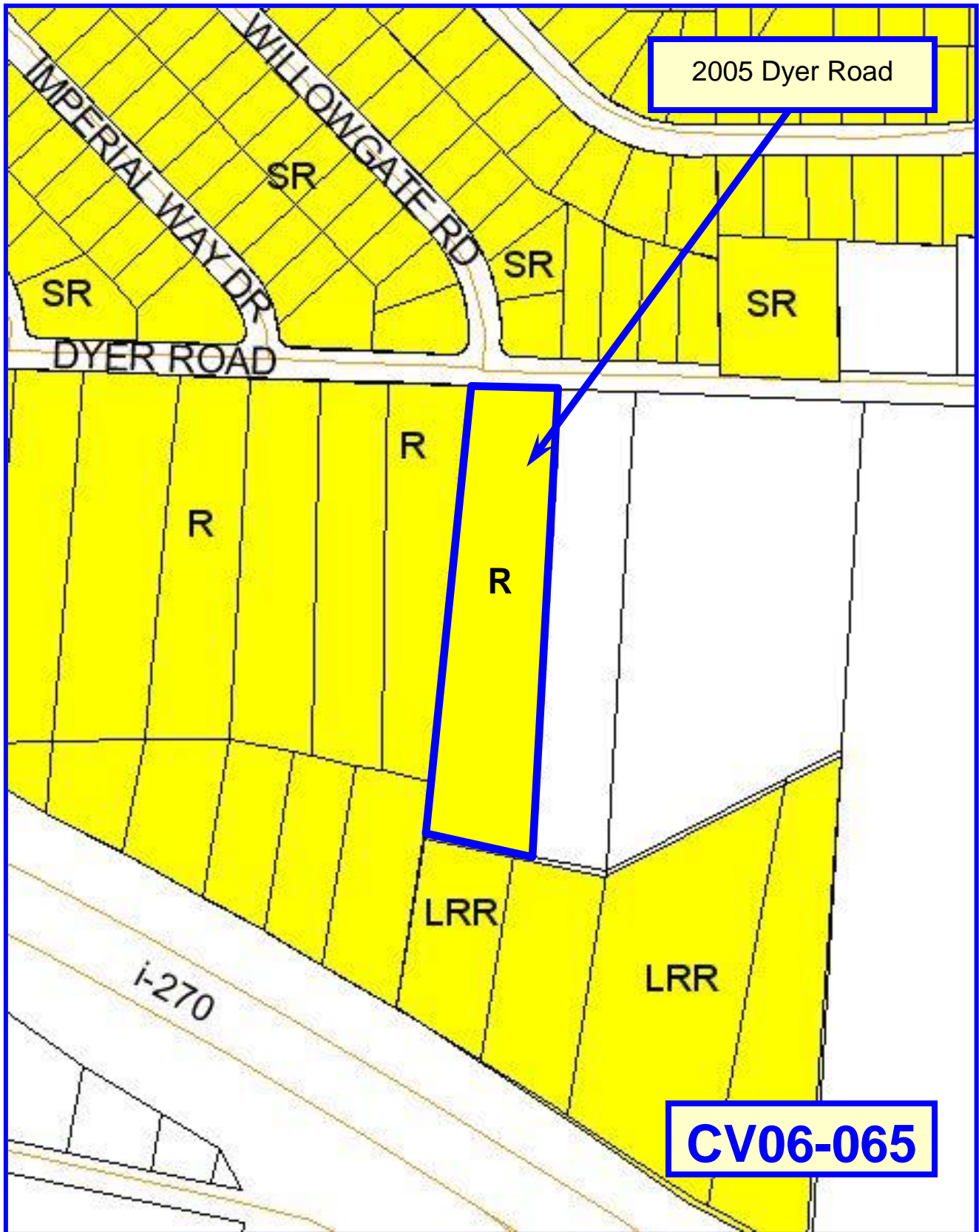
Additionally, Applicants are now confronted with the task of finding suitable housing for their elderly parents. The Applicants recently made the decision to add a second-story apartment to the garage structure, so that their parents have a safe and permanent home, which was a minimal additional cost for the property owners and which their parents would otherwise not be able to afford if finding housing on their own at another location.

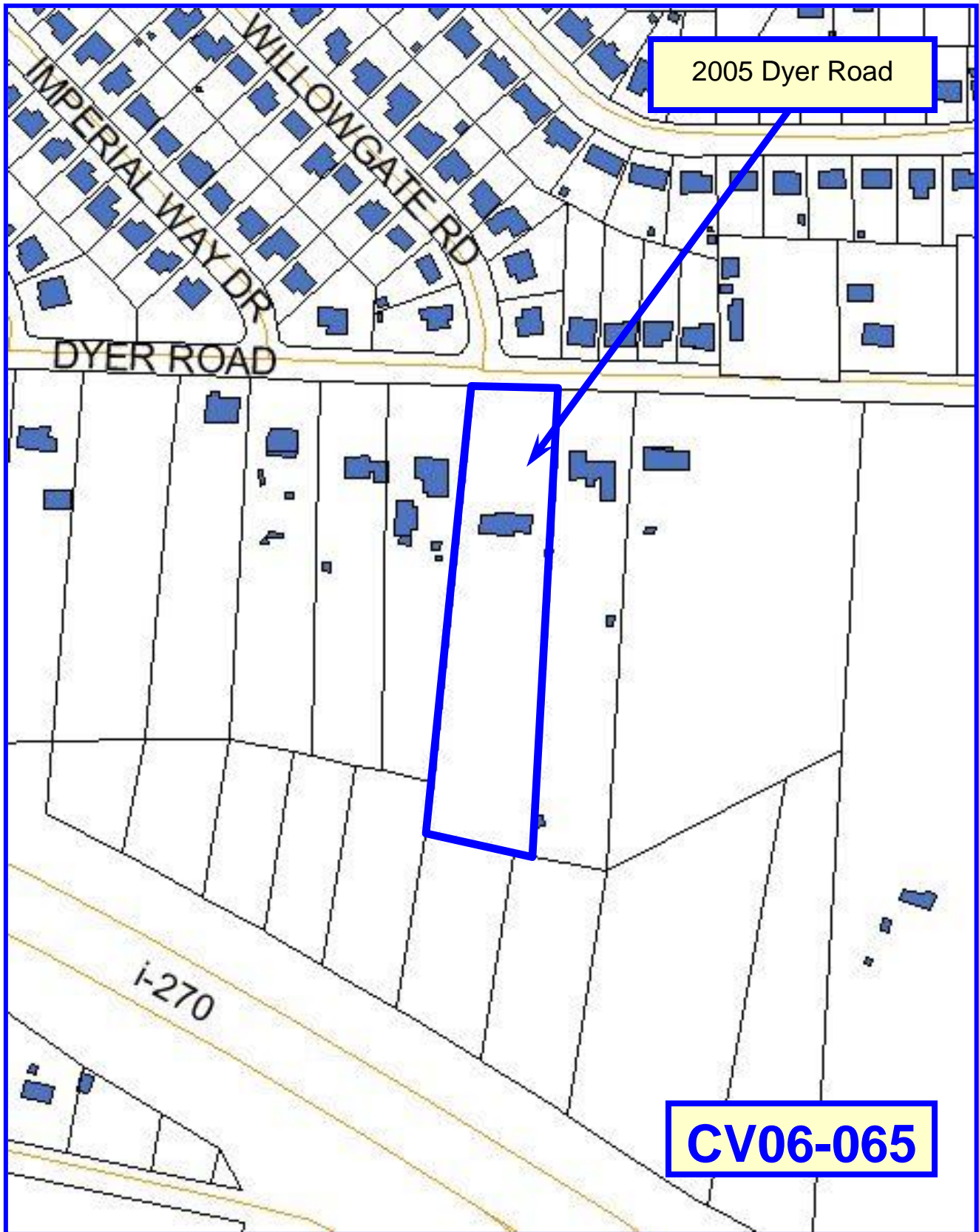
Due to these circumstances, Applicants believe the need for this accessory structure was eminent, apparent, and not derived from their own selfish desires to simply have more room than they need, as could be perceived without this history being provided of the events which lead to construction of the accessory structure.

For the reasons stated above, Applicant respectfully requests approval of the variances necessary to permit the as-built conditions of the structure detailed above, so that they can obtain all necessary permits as well, following approval of the variances.

Respectfully submitted,

Michael T. Shannon, Esq.
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MShannon@cbjlawyers.com
Counsel for Owner/Applicant





City of Columbus | Department of Development | Building Services Division | 757 Cardyn Avenue, Columbus, Ohio 43224

STANDARDIZED RECOMMENDATION FORM

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

GROUP NAME Southwest Area Commission MEETING DATE _____CASE NUMBER _____ Case type ☒ Council Variance ☐ RezoningZONING ADDRESS 2005 Dyer Road APPLICANT James and Janice Conway,
Michael T. Shannon, Esq.

PERSON(S) REPRESENTING APPLICANT AT MEETING _____

CONDITIONS REQUESTED BY GROUP (Add continuation sheet if needed)

Area commission see note at the bottom.

1. * VOTES BY SW AREA COMMISSIONERS
2. _____
3. FOR - 6
4. NO - 2 *
5. _____
6. ABSTAIN - 2
7. _____
8. _____

Applicant Response

Yes

No

Recommendations

☐ Approval ☐ Disapproval ☐ Conditional approval (list conditions and applicant response)

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

the commission, in the interest of helping our neighbor,
approves this variance. This approval does not condone the manner in
which this matter was handled. The Commission recommends that all
future changes to the property follow the procedures outlined by the
code of the City of Columbus.

Recommending Commission / Association / Accord Partner Vote: For _____ Against _____

Signature / Title of Authorized Representative Ralph Harris - Chairman - SWACDaytime phone number 614-279-6833

NOTE TO AREA COMMISSIONS: Ordinances sent 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 has checked "No" on the Standardized Recommendation Form has not been resolved as documented in writing by the recommending body or party.

City of Columbus | Department of Development | Building Services Division | 757 Gardyn Avenue Columbus, Ohio 43224

**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
COUNTY OF FRANKLIN

APPLICATION # CV06-065

Being first duly cautioned and sworn (NAME) Michael T. Shannon, Esq.
of (COMPLETE ADDRESS) 500 S. Front St., Suite 1200, 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 formats

Name of business or individual
Business of individual's address
Address of corporate headquarters
City, State, Zip
Number of Columbus based employees
Contact name and number

James and Janice Conway 2005 Dyer Road Columbus, Ohio 43123 Contact: Michael T. Shannon, Esq. (614) 229-4506 Columbus-Based Employees: -0-	

☐ If applicable, check here if listing additional parties on a separate page (required)

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 2nd day
of November, in the year 2007

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

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



NOTARY
RITA J. MARTIN
Notary Public, State of Ohio
My Commission Expires 11-02-10