

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 attached pages -

Signature of Applicant *[Signature]* Date *3/28/2017*

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

Statement of Hardship

The property located at 148 Buttles Avenue currently has both a main residence and a carriage house. The carriage house is located at the rear portion (north) of the property and currently functions as a two car garage along with storage space on the second floor. The applicants plan to keep the functioning two car garage on the ground floor and convert the second floor into habitable space. The exterior footprint remains unchanged with only moderate changes on the exterior of the structure. The rear alley (Lundy Street) that the carriage house faces has other garages that have been converted into dwellings. This project, along with the requested variances, is in character with the surrounding homes and with the Victorian Village neighborhood at large. The proposed zoning changes should not adversely effect the current use or any planned future development of any neighbor's property. It would have negligible impact on the congestion in the neighborhood. The requested zoning variances allows the project to retain the high standards that Victorian Village is accustomed to.

Proposed Zoning Variances requested

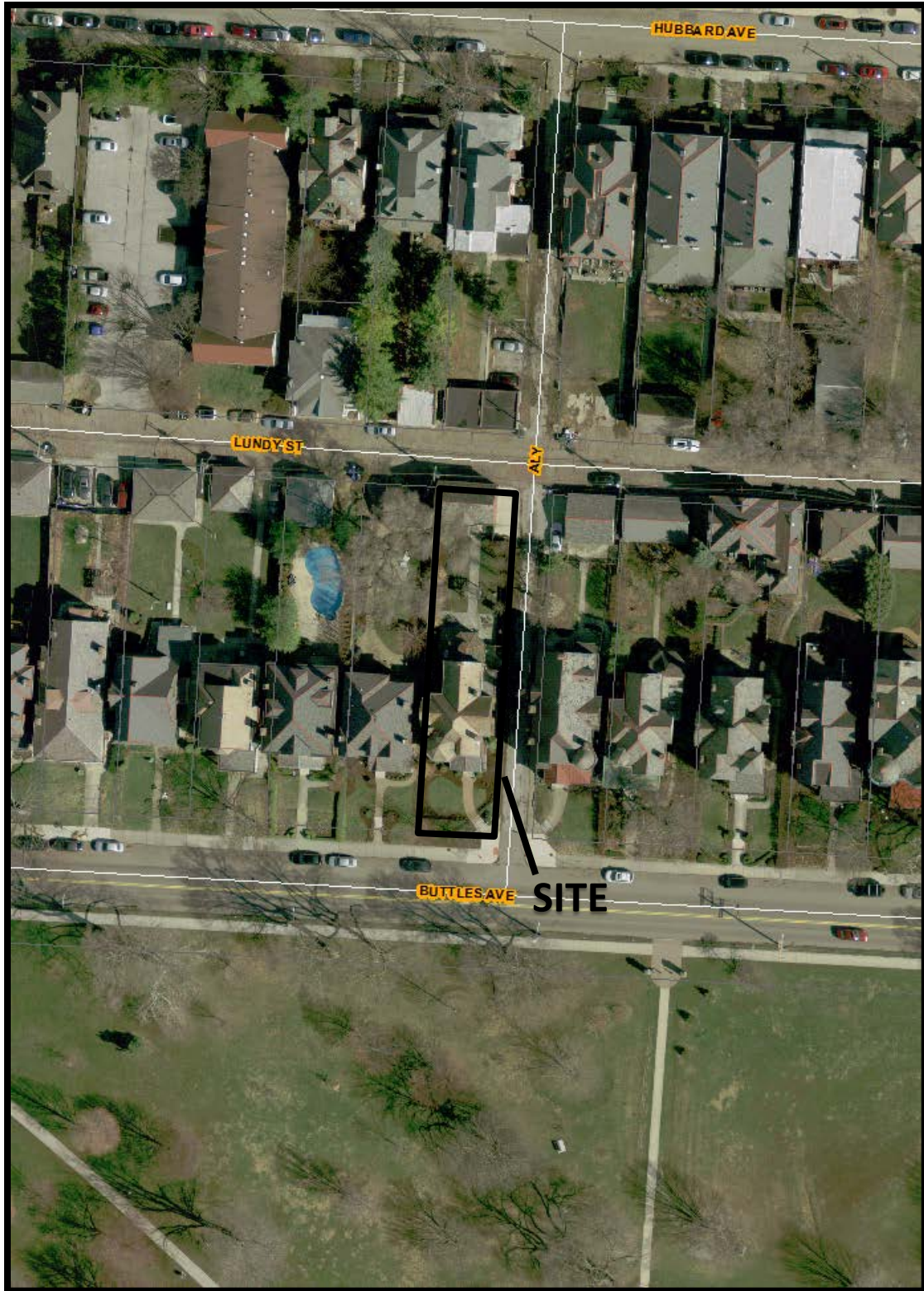
- 1) 3332.039 The property owner seeks a variance to allow the current carriage house to become habitable space on the second floor. The exterior footprint of the structure is unchanged. The parcel is zoned R-4, which only allows up to four dwellings in the same building on a lot. Since there will be two separate and unattached dwellings (the carriage house and the primary residence) a variance is being requested.
- 2) 3332.05 Lot Width Requirements The current code dictates that the property which is zoned R-4 requires a 50 foot wide lot. The parcel has a lot width of 40 feet. The applicant seeks a variance for the width of the lot.
- 3) 3332.25 Maximum Side Yard. Due to the width of the house on the parcel, the house does not have the required side yards. The code specifies that the side yards have to be at minimum of 20% of the entire width of the parcel. The applicant ask for a variance in regard to this zone requirement.
- 4) 3332.26 (C)(1) Minimum Side Yard The primary residence is approximately 2' 10" from the property line on the west side of the property. The carriage house is 2' from the property line, also on the west side of the parcel. Both of these setbacks are less than the allowable 3 foot setback required for a side yard. Nevertheless, both of these structures are consistent with their placement when compared to many other houses and carriage houses located throughout the neighborhood. The applicant would like to obtain a variance allowing both existing structures to have less than a 3 foot side yard
- 5) 3332.27 Rear Yard. The applicant asks for a variance to allow the carriage house to not be required to have a rear yard. The entire parcel is 7,200 sqft and the main residence has a rear yard of approximately 2,200 sqft in area. This amount is over the 25% required for the property . However, this amount of 2,200 sqft is not large enough to allow both the main house and the carriage house a rear yard. As a result, the applicant hopes to receive a variance allowing the carriage house to not have a rear yard.

6) 3312.49 Minimum Number of Required Parking Spaces. The current house has two spaces inside of the existing carriage house and one space outside/off-street. All three parking spaces will remain. However, zoning codes necessitates a total of four spaces (Two spaces per dwelling unit) since there will be two separate habitable structures. A variance is sought to allow for three parking spaces instead of the required four.

7) 3332.19 Fronting Lundy Street is not considered a public street by the City of Columbus code. As a result, applicant ask that a zoning variance is granted allowing the single family Carriage House to front a non-public street.



CV17-019
148 Buttlers Avenue
Approximately 0.2 acres



CV17-019
148 Buttlers Avenue
Approximately 0.2 acres

HISTORIC DISTRICT COMMISSION RECOMMENDATION

VICTORIAN 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: 148 Buttles Avenue

APPLICANT'S NAME: Benjamin Niswander (Applicant)

Beverly Brown (Owner)

APPLICATION NO.: 17-4-19a

COMMISSION HEARING DATE: 4-13-17

The Victorian 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:

Recommend Variance Request 17-4-19a, 148 Buttles Avenue, as submitted.

Variance Request

- C.C. 3332.039 – To allow habitable space on the second story of carriage house.
- C.C. 3332.05 – To allow a 40' lot width (50' minimum required).
- C.C. 3332.25 – To allow reduced total side yards (20% minimum of lot width required).
- C.C. 3332.26(C)(1) – To allow 2' side yard setbacks (3' minimum require).
- C.C. 3332.27 – To allow rear yard of less than 25% for the new dwelling.

MOTION: Decker/Rayburn (6-0-0) 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
Historic Preservation Officer



HISTORIC DISTRICT COMMISSION RECOMMENDATION

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PROPERTY ADDRESS: 148 Buttles Avenue

APPLICANT'S NAME: Benjamin Niswander (Applicant)

Beverly Brown (Owner)

APPLICATION NO.: 17-5-24b

COMMISSION HEARING DATE: 5-11-17

The Victorian 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:

Recommend Variance Application #17-5-24b, 148 Buttles Avenue, as submitted.

Variance Request

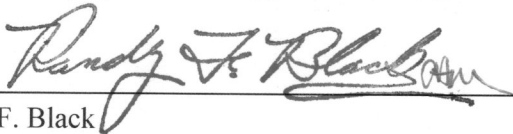
- C.C. 3332.19 – To allow a residence that does not front on a public street.

MOTION: Decker/Rayburn (6-0-0) 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
Historic Preservation Officer



THE CITY OF
COLUMBUS
ANDREW J. GINTHER, MAYOR

DEPARTMENT OF BUILDING
AND ZONING SERVICES

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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 # CV17-019

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Benjamin Niswander
of (COMPLETE ADDRESS) 5389 Deforest Dr Columbus OH 43232

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. <u>Beverly Brown</u> <u>148 Buttles Ave</u> <u>Columbus OH 43215</u>	2.
3. <u>614.975.9467</u>	4.

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

SIGNATURE OF AFFIANT [Signature]

Sworn to before me and signed in my presence this 23 day of MARCH, in the year 2017

[Signature]
SIGNATURE OF NOTARY PUBLIC

July 15, 2019
My Commission Expires



Notary Seal Here
HAMID BARADARVAR
NOTARY PUBLIC
FOR THE
STATE OF OHIO
My Commission Expires
July 15, 2019

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