

CV14-029

**STATEMENT OF HARDSHIP**  
**COUNCIL VARIANCE APPLICATION**  
**1487 MADISON AVENUE (43205)**

The Applicant is seeking permission to continue operating a home health agency at his place of residence located at 1487 Madison Avenue, Columbus OH 43205. The applicant's principal residential address is 1487 Madison Avenue. Obviously, a zoning change for commercial use would not be appropriate in a residential neighborhood; therefore, he is left with this avenue of approach. The company has been at this location since 2011. The Applicant believes that such use has not and will not adversely affect the surrounding property or surrounding neighborhood.

The purpose of Section 3332.37 (Home Occupation) of the Columbus Zoning Code "is to permit a home occupation as an accessory use if it is compatible with the residential character of the neighborhood in which it is located and is conducted so as not to have an adverse effect upon the average neighbor under normal circumstances; to set standards by which to judge the operation of such use; and to prohibit uses which are incompatible with permissible uses in residential districts." (Columbus Zoning Code, pages 793-794). The Applicant wishes to conduct his home health agency business subject to the following conditions:

1. The Applicant's home occupation will be confined to his principal residence and will be excluded from any yard or accessory building. The Applicant's home occupation is clearly incidental and subordinate to the primary residential use.
2. The Applicant wishes to vary Section 3332.37(D) of the Columbus Zoning Code, which limits the percentage of the livable area of any residence to be used for a home occupation from twenty (20) percent to twenty-seven (27) percent. Pursuant to the Franklin County Auditor, the square footage of the dwelling is 3,038 square feet. If you multiply 3,038 by 27 percent, the actual square footage of the dwelling being used for the home occupation is 820 square feet.
3. The Applicant wishes to vary Section 3332.37(E) of the Columbus Zoning Code, which limits the assistance of supportive personnel to be employed, not residing in the dwelling, from zero (0) to three (3) persons. The three persons who are currently employed at the site are at the site for no more than 5 hours during the course of a normal business day. The Applicant has 7 other employees who do not work on site. The hours of operation are from 10:00 a.m., to 4:00 p.m. Monday thru Friday, and 10 a.m. to 2 p.m. on Saturday. The home occupation is not being operated on Sundays.
4. The Applicant does not and shall not store any equipment or materials used in his home occupation outside his principal residence.
5. The Applicant has not and shall not make any change to any utility line, meter or service to accommodate his home occupation and his home occupation does not unreasonably exceed that normally or previously used at his principal residence.
6. No equipment or process used in the Applicant's home occupation emits radiation or creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot. Most employees work from their homes and most of the work performed by the home health agency is performed off-site at the patient's location.

7. The Applicant believes that traffic has not and will not be increased in volume or will traffic be unreasonably generated by the operation of his home health agency business than would otherwise normally occur in the residential neighborhood where his principal residence is located. The Applicant's home occupation is a secured facility and does not accept patients at the site.

The principal residence currently uses on street parking as there are no designated spaces for residents. There are approximately 25 street parking spaces on Madison Ave that run East and West. In addition, on street parking along Auburn Avenue which runs North and South consists of approximately 15 parking spaces and 15 on street parking on Franklin Park West that runs North and South.

8. There is no potential or future plan for expansion of the current home occupation space. This type of business allows the Applicant's company to utilize remote web facilities, which allows most of the employees to now work from their home. The company does have monthly meetings; however, those meetings are held and shall be held at off-site locations. All bookkeeping, accounting and files are securely kept on the cloud (internet based storage) and paper copies are also securely kept at the Applicant's home office.

The granting of said variance will not impair an adequate supply of light and air to the adjacent properties, 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 consideration of the above, the Applicant seeks your approval of his Council Variance. Application to permit the continuance of his home occupation located at his principal residence at 1487 Madison Avenue.

Thank you.



Paul D. Howard



CV14-029

May 21, 2014

City of Columbus Department of Building and Zoning  
757 Caroline Ave  
Columbus, Ohio 43224

Department of Building and Zoning:

Paul Howard has been a client at Columbus Area since 1/27/03. He sees a psychiatrist monthly and is medication compliant. He meets with his case manager for cognitive behavioral therapy weekly. He has been diagnosed with Bipolar Disorder and Generalized Anxiety Disorder with panic attacks. He has anxiety that limits his tolerance of some life stressors and has panic attacks when he goes far away from his home. This is why it is detrimental for him to have an office in his home. At times his depression limits his daily activities. However, he is working on these symptoms in counseling. Also, he has been stable with no hospitalizations or crisis episodes since his treatment began here at Columbus Area. If you have any questions, please contact his case manager, Beverly Perry LSW at 614-251-7712.

Thank you,

A handwritten signature in black ink that reads "Paraja Thakuria MD". The signature is fluid and cursive, with a large loop at the end.

Dr. Paraja Thakuria MD

A handwritten signature in black ink that reads "Beverly Perry LSW". The signature is cursive and clearly legible.

Beverly Perry, LSW

Right Path. Better Life.™



CV14-029  
1487 Madison Avenue  
Approximately 0.13 acres

DEVELOPMENT STRATEGY

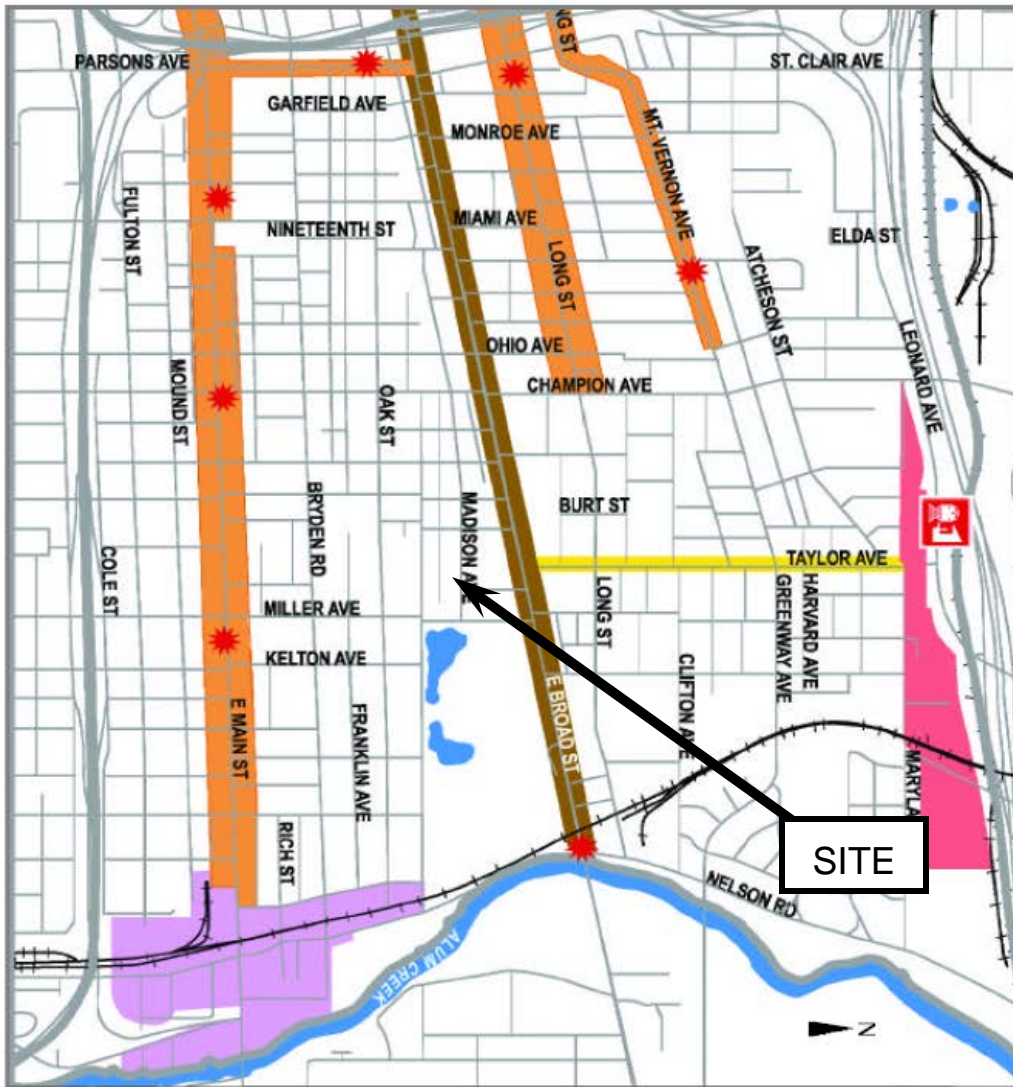






Figure 5

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**Commercial District Nodes**
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**Office/Light Industrial/Mixed Uses**
- 
**Light Industrial/Commercial**
- 
**Potential Light Rail Station**
- 
**Lower and Medium Density Residential**
- 
**East Broad Street:**
- 
**Higher Density Residential/  
Mixed Use Development:**
- 
**Commercial District Nodes**
- 
**Office/Light Industrial/Mixed Uses**
- 
**Light Industrial/Commercial**
- 
**Potential Light Rail Station**
- 
**Light Industrial/Commercial:** This area consists largely of light industrial development. Future development should reinforce this land use. Development standards should be utilized to ensure high quality development.
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**Potential Light Rail Station:** A site in this area should be reserved for a potential light rail station. COTA's Vision 2020 plan anticipates the development of light rail within this corridor and this area could provide a convenient rail station and spur/ accommodate commercial and higher density residential development.

LAND USE AND ZONING



CV14-029  
1487 Madison Avenue  
Approximately 0.13 acres

**Pine, Shannon L.**

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**From:** Kathleen <kathleendbailey@hotmail.com>  
**Sent:** Tuesday, July 15, 2014 11:00 PM  
**To:** Pine, Shannon L.  
**Subject:** CV14315-00000-00369

The Near East Area Commission (NEAC) voted (9-3-0) to support Paul Howard's application to permit a Home Occupation at 1487 Madison.

The vote took place at the July 10, 2014 NEAC General Business Meeting.

Please feel free to contact me with any questions or concerns.

Thank you.



### 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](http://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 # CV14-029

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] PAUL D. HOWARD

Of [COMPLETE ADDRESS] 1487 MADISON AVE, Columbus, OH 43205  
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

1. <u>THE GENTLE HANDS CARE AGENCY LLC</u> <u>1487 MADISON AVE Columbus, OH 43205</u> <u>Kim Neal - 614 315-0229</u> <u>Katinn Ashby - 614 413-7749</u> <u>Paul Howard - 614 435-2373</u>	2.
3. <u>SELF</u> <u>2-3 <del>EMPLOYEE</del></u>	4.

Check here if listing additional parties on a separate page.

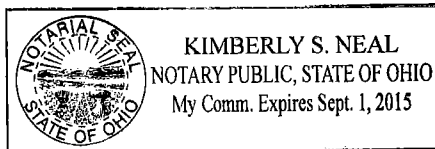
#### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 26<sup>th</sup> day of February, in the year 2014

SIGNATURE OF NOTARY PUBLIC [Signature]

My Commission Expires: September 1, 2015

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