



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.

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 *Goran J Klam* Date *3-18-05*

CV03-039

STATEMENT OF HARDSHIP**KRAMER PROPERTY
CONNIE J. KLEMA, ATTORNEY**January 31, 2005:

This "statement of hardship" is an amendment to the original statement of hardship submitted with a request for variances in 2003 know as Application No. CV03-039. The applicant, Connie J. Klema, on behalf of the owners of what is referred to as the "Kramer Property" requests staff review the latest changes to the proposed design for the Kramer Property and the newly amended Statement of Hardship.

HISTORY OF APPLICATION CV03-039

Below is the original statement of hardship that was submitted with the original proposed design for the Kramer Property. At that time, the applicant was requesting a variance to permit a residential use on the first floor of a multi-unit residential development. The multi-unit development used 6 of the 10 lots at the Property, and maintained a commercial use in the existing, on-site, building. The original statement of hardship is written below for your reference as No. 1.

After the staff's review of the original statement of hardship, the staff voted to recommend disapproval of the application. The reason for denial was as follows:
"The Italian Village East Redevelopment Plan (2000) recommends commercial development at this location. Staff will support multi-family use only when located above the first-floor commercial uses."

In response, the applicant submitted a second statement of hardship, also written below for your reference as No. 2, requesting a second review by staff of the design incorporating first-floor residential use. However, before staff's second review, the applicant requested the application be put on hold until a new design was studied for the Kramer Site.

At this time, the applicant requests staff review a new design for the Kramer Property. As submitted, the site plan incorporates development of all 10 lots of the Kramer Property and incorporates a majority of commercial uses on the first floor of the development. The plan is in accordance with what the Italian Village East Redevelopment Plan suggests for the east side of the N. Fourth corridor: mixed uses for the area east of North Fourth Street, including housing, offices, and local shops to continue the Village's diversity and to enhance its urban character.

The applicant recently met with the Italian Village Commission and received positive support for the design. On February 15th, the applicant will return to the Commission to

request its recommendation for approval of a variance to permit residential use on the site, and any area variances that may be needed to accommodate the footprint of the building.

FOR YOUR REFERENCE:

Statement of Hardship, No. 1

The applicant requests variances for the subject property to provide the means to develop the property in the likeness of the surrounding properties. The subject property is made up of ten (10) parcels each with frontage on N. Fourth Street and located directly across from the future Jeffrey Place development site, six (6) which are included in the application for a use variance permitting residential uses on the first floor. The contiguous 10 lots are zoned Manufacturing and presently have a storefront commercial building (the "Kramer Paint" building) with parking, and two garage/warehouse buildings north of the storefront. Prior to the existing buildings being developed on the property, the majority of the lots were developed with residential units.

The applicant seeks variances that will permit the development of residential condominium units on approximately six (6) lots. Improvements to the existing storefront and storage building for commercial/residential/retail uses will be part of the entire site development.

A hardship warranting the granting of a use variance exists because the subject property, which is zoned Manufacturing, is no longer in an area where manufacturing uses are appropriate. The existing historic structures and soon to be developed surrounding properties are and will be a mixture of residential, retail, and commercial uses, all in accordance with the Italian Village Redevelopment Plan. The area and infrastructure, which at one time supported manufacturing, is experiencing a renovation which has resulted in the increase of residential and commercial uses and the infrastructure to serve it. Permitting residential uses on the subject property will rid the applicant of the practical difficulties that arise if one would attempt to develop strictly commercial/manufacturing uses on property with no residential users.

Amended Statement of Hardship, No. 2

ADDITIONAL INFORMATION

After its first review of the variance application, the Department of Development's recommendation for this site stated that the Italian Village East Redevelopment Plan (2000) recommends commercial development at this site, and therefore, the Department recommended disapproval of residential uses on the first floor and supported multi-family

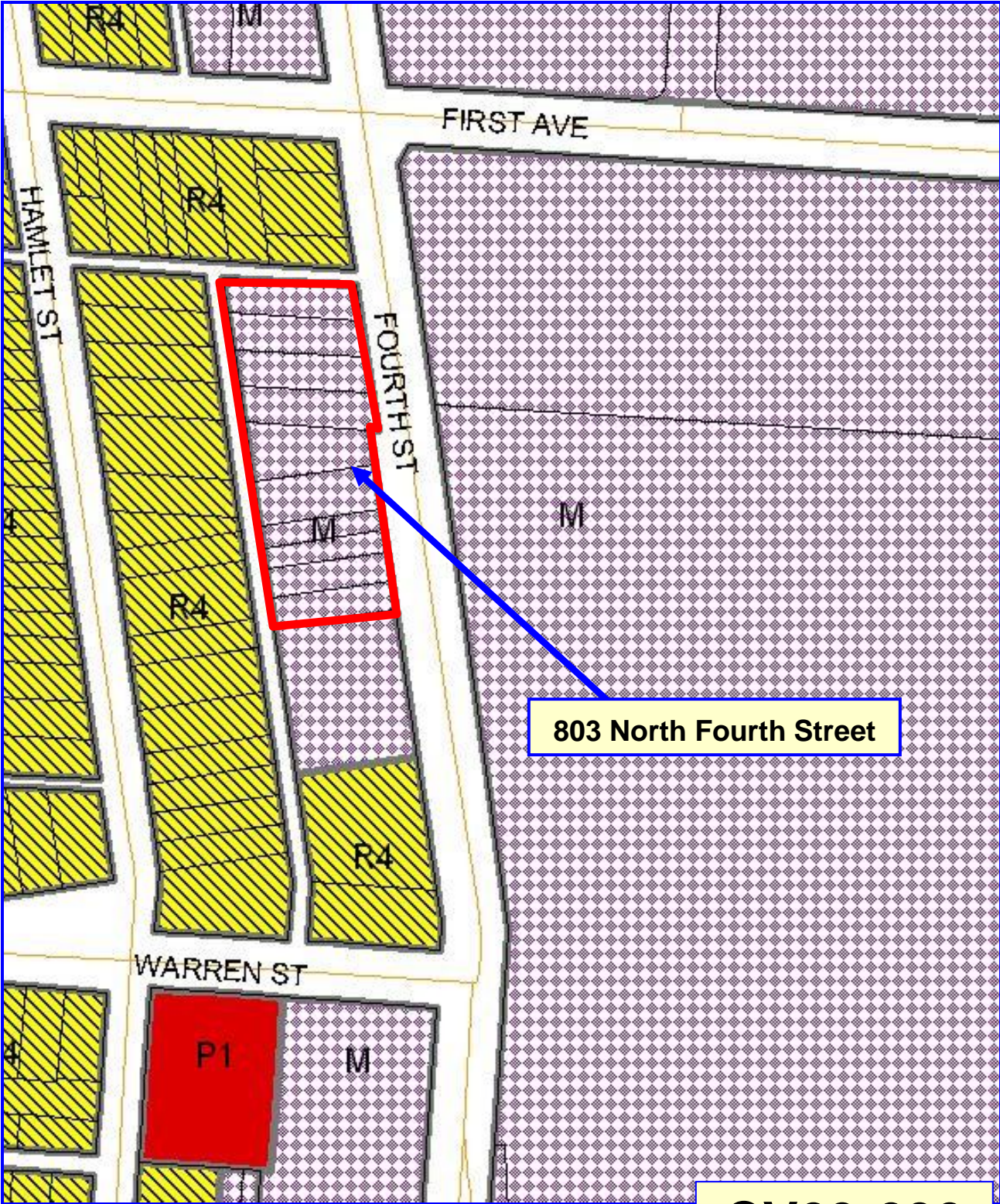
uses only when located above. The applicant requests the Department consider the following information:

The Italian Village East Redevelopment Plan suggests mixed uses for the area east of North Fourth Street, including housing, offices, and local shops to continue the Village's diversity and to enhance its urban character. Similar to the rest of Italian Village, the site plan supports sporadic commercial uses throughout the east of N. Fourth Street neighborhood for convenience shopping and the occasional café or restaurant. Having a good residential base supplies the market for these uses. Likewise, the applicant's site plan provides mixed uses by maintaining the existing commercial structure that will potentially provide the café, restaurant, office, or shopping area (Because the commercial structure on the site does not require any variances, it is not included in the variance application, but is part of the site plan for development of this site.) In sum, in accordance with the Italian Village Plan, the site plan incorporates a mix of commercial, residential and potentially office land uses. By permitting only commercial/industrial uses on the first floors of all buildings, one eliminates the residential, open space, and commercial/retail mix that is promoted by the Plan. The Italian Village Commission agrees. On October 21, 2003, there was a unanimous consensus by the Italian Village Commission that the site plan is appropriate and all the commissioners voiced agreement with the proposed plan.

As the Department states, the site is in the boundaries of the Italian Village East Redevelopment Plan (2000) and is depicted as "commercial" on the proposed land map. However, as stated in the ordinance approving the residential use variance for Jeffrey Place (which is directly across the street from the subject site and also in the Italian Village East Redevelopment Plan for commercial development) the text of the redevelopment plan states, in part, that "The North Fourth Street Corridor should have a mix of commercial, residential and office land uses." As approved by Council for Jeffery Place and supported by the Italian Village Commission, the site plan is consistent with the mixed use intent of the corridor. Permitting only commercial uses on the first floor does not promote a mixture of uses but just more commercial use. The applicant requests that the Department consider the site and its design as a whole, not floor by floor.

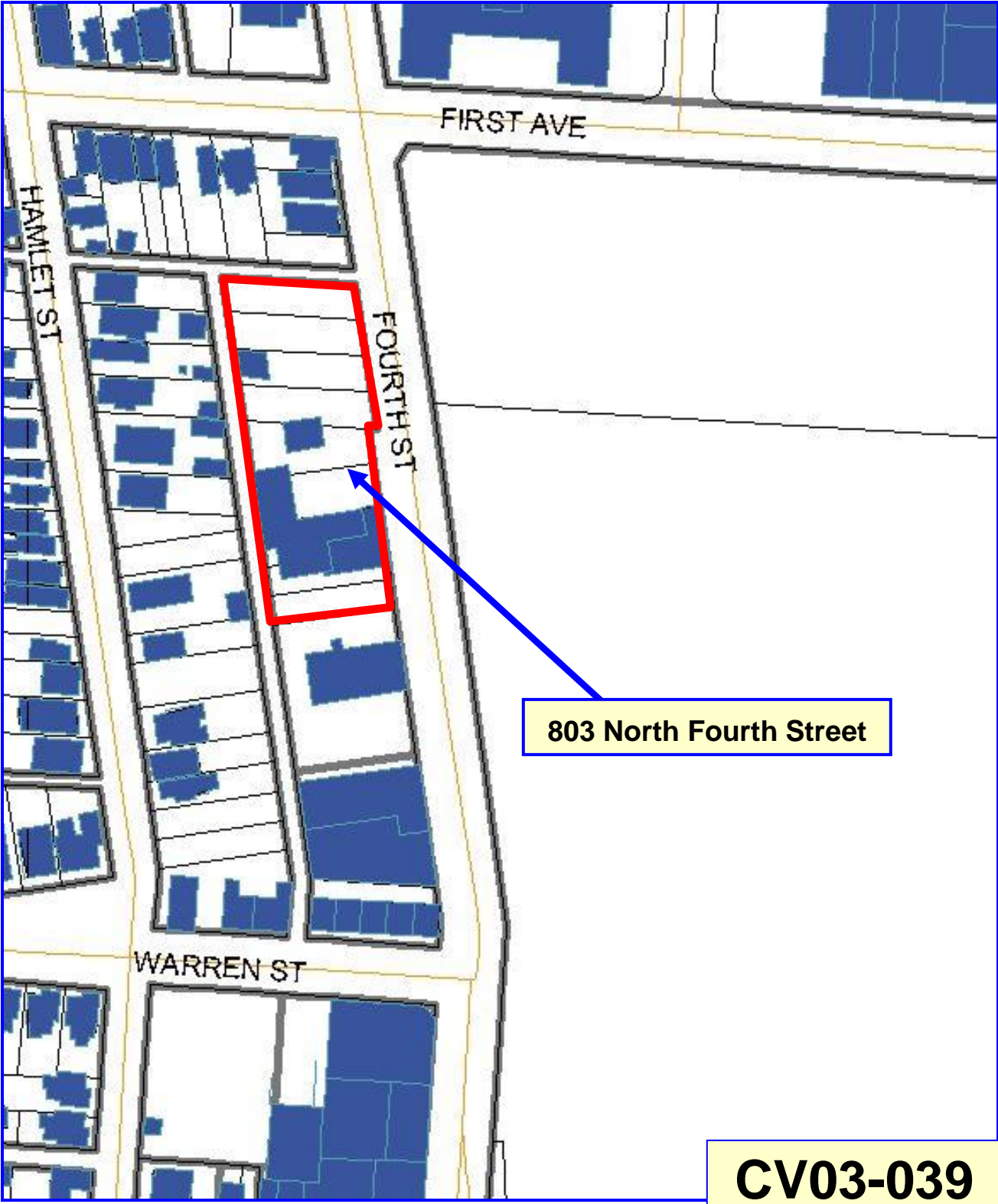
In sum, the applicant, who developed the site plan with the intent to promote and follow the Italian Village East Redevelopment Plan, and who has received unanimous support from the Italian Village Commission, requests that the Department reconsider its recommendation and support the mixed commercial and residential uses provided by this plan.

The granting of the variances will not impair an adequate supply of light and air to adjacent property, nor will it increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair the public health, comfort, morals, or welfare of the inhabitants of the City of Columbus.



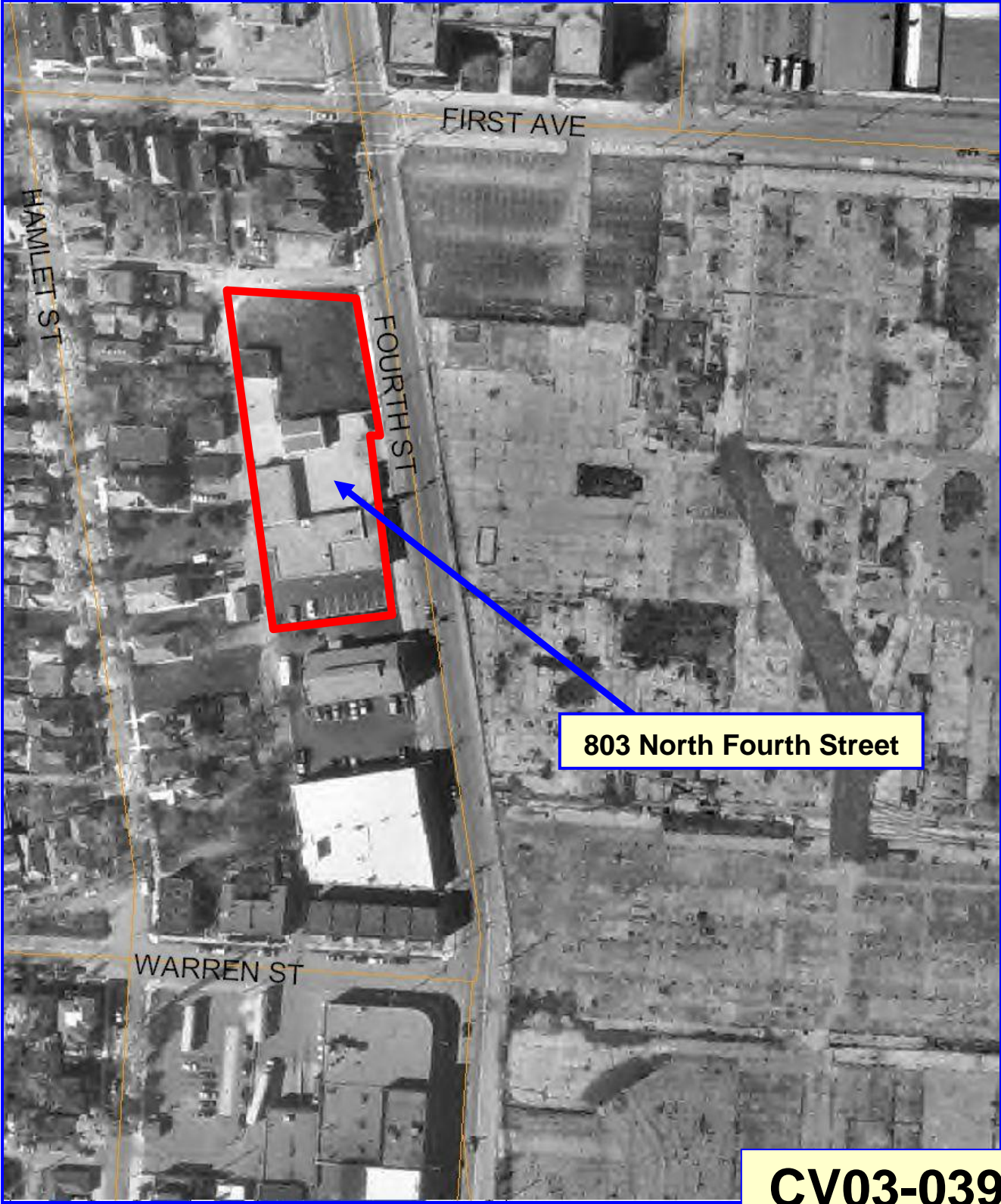
803 North Fourth Street

CV03-039



803 North Fourth Street

CV03-039





Italian Village East

Proposed Land Use



January 2000



[Yellow]	Residential (1 - 2 units)
[Light Orange]	Residential (3 - 4 units)
[Orange]	Residential (> 4 units)
[Dark Orange]	Mixed Use
[Red]	Commercial
[Dark Red]	Manufacturing
[Blue]	Institutional
[Green]	Parks/Open Space
[Light Green]	Vacant Lots/Buildings
[Grey]	Parking
[Light Yellow]	Downtown District



City of Columbus
 Michael B. Coleman, Mayor
 Department of Trade and Development
 Mark Barbash, Director
 Planning Office
 Stephen R. McClary, Administrator
 Urban Design Section
 Larry D. Lewis, Graphic Designer

Italian Village East Redevelopment Plan (2000)

CV03-039

PROPOSED LAND USE (continued)

- ✓ *The portion of the planning area south of E. Second Avenue should have a mixed land use pattern, including two or more of the following uses: office, retail, residential, institutional, park/recreational, light assembly, office/warehouse.*
- ✓ *The portion of the planning area north of E. Second Avenue, consisting of E. Third Avenue, E. Fourth Avenue, Detroit Avenue, and N. Sixth Street, should include only residential land uses. Any new manufacturing uses would not be conducive to maintaining the existing fabric of single family homes and, therefore, should be discouraged.*
- ✓ *The N. Fourth Street corridor should have a mix of commercial, residential, and office land uses. All existing residential buildings along the corridor should remain as residential. Any new manufacturing uses along N. Fourth Street would be inappropriate and, therefore, should be discouraged.*
- ✓ *The E. Fifth Avenue corridor should have a mix of commercial, residential, and office land uses.*



City of Columbus
Mayor Michael B. Coleman

Department of Development
Mark Barbash, Director

Certificate of Appropriateness

ITALIAN VILLAGE COMMISSION

This Certificate of Appropriateness is not a zoning clearance nor a building permit. This document does not relieve the applicant from the responsibility of filing for and obtaining any required zoning clearance (645-7314) and/or building permit (645-7433) from the City of Columbus Building & Development Services Division (757 Carolyn Ave.) and following all other applicable codes and ordinances of the City of Columbus.

PROPERTY ADDRESS: 803 North Fourth Street

APPLICANT'S NAME: Connie J. Kiema (Applicant)/ Ben and Ruth Kramer (Owners)

APPLICATION NO.: 05-3-7

HEARING DATE: 3/15/05

EXPIRATION: 3/15/06

The Italian Village Commission hereby certifies that the application for the above referenced property and a copy of this Certificate of Appropriateness 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 & 3327 and the architectural guidelines:

- Approved: Exterior alterations per APPROVED SPECIFICATIONS
 Recommendation for Approval: Requested re-zoning/special permit/variance per APPROVED SPECIFICATIONS

APPROVED SPECIFICATIONS:

Recommend approval of the necessary variances requested in Application #05-3-7, for the property located at 803 North Fourth Street as presented and with all clarifications noted as follows:

1. 3363.01: To permit a residential use.
2. 3372.611 (C): To permit a variance from following language- For each primary building frontage, at least sixty (60) percent of the area between the height of two (2) feet and ten (10) feet above the nearest sidewalk grade shall be clear/non-tinted window glass permitting a view of the building's interior to a minimum depth of four (4) feet.
3. 3372.611 (G): Fence height variance for south and west parts of the Kramer paints property.
Fences may not exceed a height of four (4) feet.
4. 3342.28: On-Site parking variance.
To permit 66 on-site parking spaces.

MOTION: Cooke/ Sudy (3-1-1) [Against-Wood, Abstention-Goodman] RECOMMEND APPROVAL

- Drawings Required

This Certificate of Appropriateness is only valid for work performed in accordance with the motion so passed and approved by the Commission, and shall accompany plans submitted for zoning clearance and/or building permits.

Randy F. Black (S.A.)
Randy F. Black
Historic Preservation Officer

