

CV06-011

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

**STATEMENT OF HARDSHIP**

Chapter 3307 of Columbus Zoning Code  
Section 3307.10 Variances by City Council



A. Permit a variance in the yard, height, or parking requirement 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 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 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:

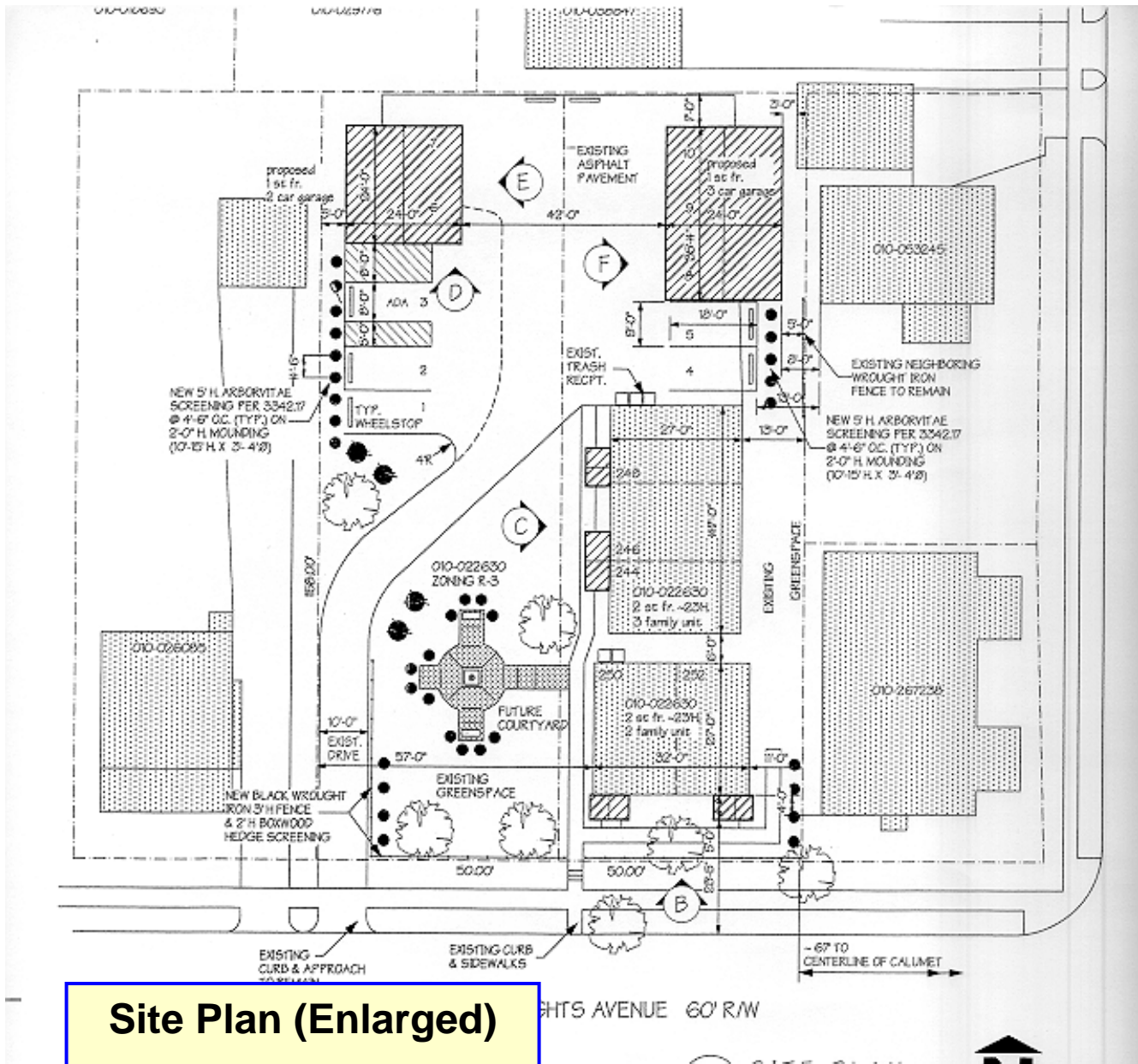
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Please find the attached text.  
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Signature of Applicant (Signed in BLUE INK) *[Signature]* Date 2/24/06

Statement of Hardship  
244-252 Clinton Heights Avenue

We request the a Council Variance to alleviate the hardship burdened by the existing two (2) and three (3) family structures located @ 244, 246, 248, 250 and 252 Clinton Heights Avenue, as a non conforming use in an R3 zoned area. The structures were constructed in the early 1970's and do not conform to a number zoning guidelines nor do they blend with the architectural style and sense of neighborhood, which the Clintonville area is well known for. We ask that the variance will alleviate the zoning regulations of which the existing property can not conform to, these being the inability of the rear unit to front a public right-of-way, the 20' wide driveway vs. the existing 10' wide drive requirement, and the intensity of parking lot mounding/screening. The Council Variance would allow for the remodeling of the two structures (including new porches, window replacement and siding), which improves the aesthetic presents of the residential structures with in the surrounding neighborhood. The Variance would also permit the construction of two garage structures (one two car garage and one three car garage) in a conforming architectural style at the rear of the subject property. These garages would conceal five (5) of the required 10 parking spaces required, lessen the harshness of automobile noise and headlamps and miscellaneous residential/household storage that could tend to clutter the side and rear yards of the site of this density. Along with the addition of landscaping and decorative fencing, we strongly feel that our proposed building and site improvements will be an immense improvement for our Clintonville neighborhood. Granting this Council Variance would in no way impair an adequate supply of light and air, cause traffic congestion, increase the risk of fire, endanger public safety, diminish or impair public health, safety, comfort, morals or the welfare of the City of Columbus.





Site Plan (Enlarged)

HIGHTS AVENUE 60' R/W

## SITE INFORMATION:

ZONING DISTRICT: R3  
 FLOOD PLAN "X"

### FRONT YARD

EXISTING	1,341.86 S.F. = 8.5%
PROPOSED	1,241.86 S.F. = 7.8%

### BACK YARD

EXISTING	6,403. S.F. = 40.6 %
PROPOSED	4,828. S.F.= 30.6 %

### EAST SIDE YARD

EXISTING	~13'-0" @ eastside
PROPOSED	5'-0" @ eastside(garage)

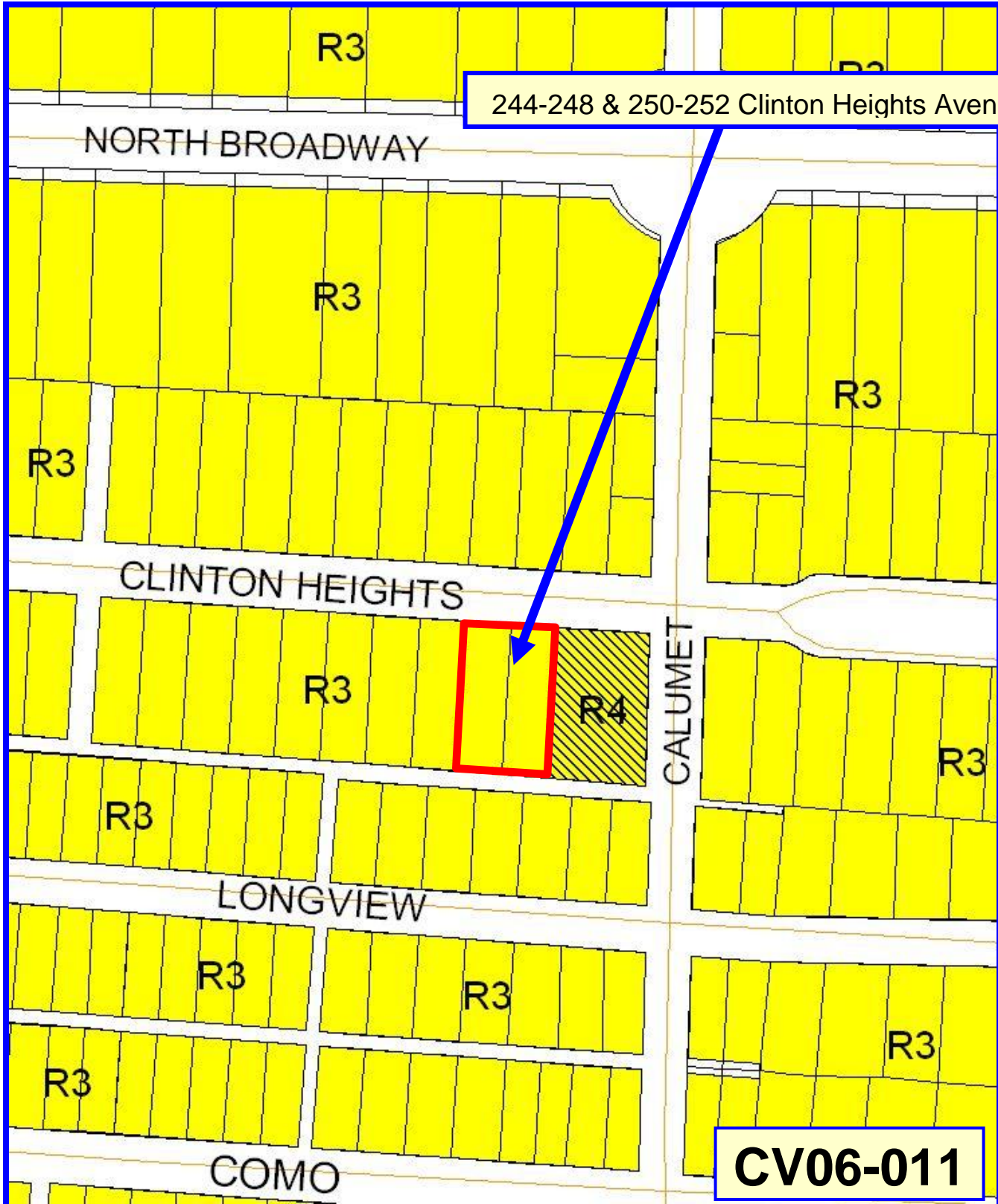
### WEST SIDE YARD

EXISTING	~57'-0" @ westside
PROPOSED	5'-0" @ westside(garage)

### SQUARE FOOTAGE

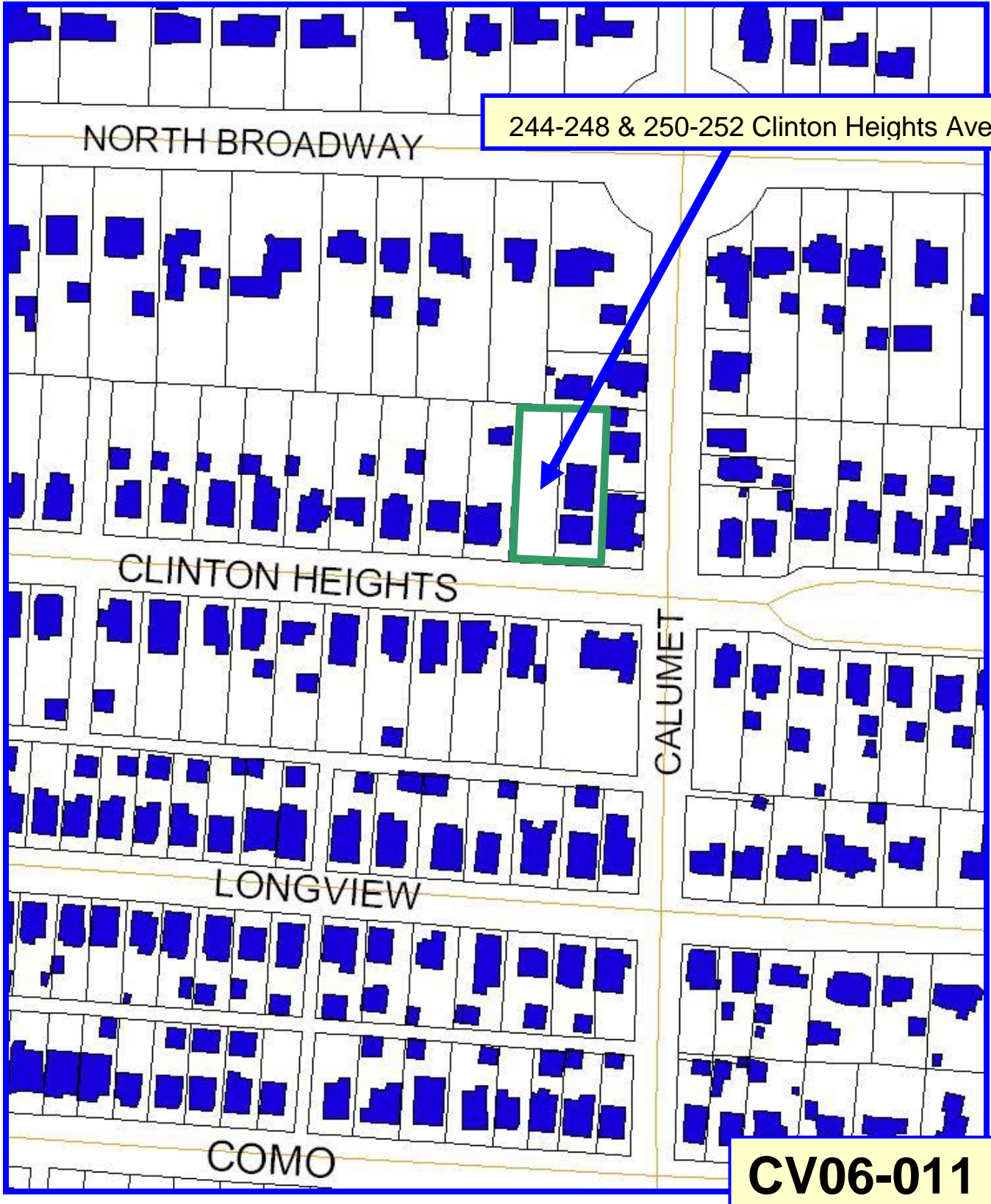
LOT SIZE	15,745. S.F. = 100%
EXIST. RESIDENCES	2,133. S.F. = 13.5%
PROPOSED ADDITION (garages @ 798 S.F. ea)	1,580. S.F. = 10.0%
PROPOSED ADDITION (porches @ 798 S.F. ea)	250. S.F. = 1.5%
	(6403 / 1,580 = 24.6 %)





244-248 & 250-252 Clinton Heights Avenue

**CV06-011**



244-248 & 250-252 Clinton Heights Avenue

**CV06-011**



To: Denise Powers  
 From: Paul Harris, Clintonville Area Commission Secretary  
 Date: 10 April 2006  
 Re: Zoning Variance: *268 Chatham Road*  
 Rezoning: *2801 N. High Street*  
**\*Council Variance: 244-252 Clinton Heights\***

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The Clintonville Area Commission (CAC) met Thursday, April 6th to consider three development items.

The first was a request for a zoning variance by Neil and Elizabeth Drobny for their property at 268 Chatham Road.

- ❖ **268 Chatham Road:** Applicants wish to raze the current two-car detached garage on their property and construct a larger two-car detached garage with an increased roof pitch to match the architectural style of the home. The Drobny's seek two variances: (1) Reduce the minimum side yard permitted for a detached garage from 3.0 feet to 0.5 feet, and (2) Increase the maximum allowable height of a detached garage from 15.0 feet to not more than 20.0 feet. The increased height is to incorporate a roof pitch for the new garage similar to that of the Drobny's' house on the property. Applicants note that the additional garage height requested is only at the narrowest part of the roof peak, and the additional space under the proposed garage gable is not habitable and will be used only for storage.

The CAC and BZA had approved the same variance request from the Drobny's in September 2000 but construction of their garage has been delayed until now. As the variance approved in 2000 has expired, the Drobny's have come forward again with the same proposal for a new garage. In her district report, Commissioner Cowley reported no objections or concerns from neighbors. The CAC approved the two requested variances with the conditions that applicants obtain a letter of approval from the owner of the adjoining property to the east to permit the Drobny's access for maintenance of their garage and that the attic space above the garage not be used for habitation. The vote for approval was 8 to 0.

The second development issue was a request from applicant Pat Avolio of Giant Eagle, Inc. and attorney Jack Reynolds of Smith & Hale that a portion (approximately 0.3 acre) of the parking lot of the of the Giant Eagle grocery store at 2801 N. High Street be rezoned from C-4 to CPD to permit construction of a "GetGo" fuel station and convenience store on the site.

- ❖ **2801 N. High Street:** Messrs. Reynolds and Avolio detailed the proposed site plan and reviewed major changes (e.g., landscaping, screening, setbacks, addition of a bike rack, etc.) since it was first presented in November 2005. The CAC Variance and Zoning Committee had voted to disapprove the requested rezoning. The vote was 2 in favor of the proposal, 3 opposed and one abstention. In his district report, Commissioner Gawronski noted that neighborhood meetings had been held in Districts 1 and 2 and opinion on the gas station proposal is divided. He noted that the applicants have responded favorably to many of the concerns raised by residents, particularly with respect to changes made to bring the proposal into compliance with the Urban Commercial Overlay (UCO). Some commissioners expressed concern about the potential for crime, increased traffic and intensity of use, and threat of environmental contamination stemming from underground fuel tanks and runoff. Applicants responded that the GetGo expected hours of



operation will be no more than 5:00 a.m. to midnight, the site will accommodate projected incremental traffic drawn to the fuel station and convenience store, and stringent code requirements and regulations reduce the risk of environmental issues. There was additional discussion as to whether the proposed location was optimal for the convenience store and fuel station, given the amount of High Street frontage involved. Applicants agreed to amend Section 3 of the proposal to include provisions of the UCO within the development standards, and they committed to add no other storage or merchandising service (e.g., an ice machine) outside the convenience store. The CAC voted to approve the request for rezoning with these revisions. The vote was 5 to 3.

The final issue was a request for a council variance to permit non-conforming use so that improvements can be made to the property at 244 – 252 Clinton Heights.

- ❖ **244 – 252 Clinton Heights**: Applicant and property owner David Schlegel notes that his property was developed in the 1970s by a previous owner and includes a two-family and a three-family dwelling. It does not conform to the R3 zoning (single family residential.) Mr. Schlegel wishes to make improvements to the property, including the addition of two garages. A council variance is needed in order to proceed with these improvements. The CAC Variance and Zoning Committee recommended approval of the council variance request by a vote of 5 to 0 with one abstention. In her district report, Commissioner Balombin stated that she had heard from one neighbor, Cheryl Kempf, who supported the variance request. CAC voted to approve the request for a council variance. The vote was 8 to 0.

Please feel free to contact me if you have any questions about this report.

Sincerely,

Paul Harris, Secretary  
Clintonville Area Commission

Cc: Applicants

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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.

STATE OF OHIO  
COUNTY OF FRANKLIN

APPLICATION # CV06-011

Being first duly cautioned and sworn (NAME) David G. Schlegel  
of (COMPLETE ADDRESS) 317 Torrence, Columbus, OH 43214  
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

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

1. <u>DAVID G. SCHLEGEL</u> <u>317 TORRENCE RD.</u> <u>COLUMBUS, OH. 43214</u>	2.
3.	4.

SIGNATURE OF AFFIANT

David G. Schlegel

Subscribed to me in my presence and before me this 24<sup>th</sup> day of Feb, in the year 2006

SIGNATURE OF NOTARY PUBLIC

Marsha L. Graham

My Commission Expires:

08-17-10

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

Notary Seal Here



Marsha L. Graham  
Notary Public  
State of Ohio  
My Commission Expires  
August 17, 2010