

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:

See Exhibit "8"

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Signature of Applicant (Signed in BLUE INK) Donald Plank Date 01/03/06

CV06-002

## **EXHIBIT B**

### **Statement of Hardship**

**172 Overbrook Drive**

**CV06-002**

---

The site is developed with a single-family dwelling in the R-3, Residential District. Applicants propose a variance to Section 3332.035, R-3, Residential District, to temporarily permit a two (2) family dwelling in the R-3, Residential District. Under the provisions of Section 3307.10, Variances by City Council, applicant requests that the variance be limited by council as a condition of the ordinance for a period of ten (10) years from the effective date. The property owners' son is autistic and requires substantial care and supervision. A separate living area is desired within the existing building to which the son is accustomed. There will be an extension of the garage toward the rear of the property related to establishing the second dwelling, but the garage extension could physically occur anyway.

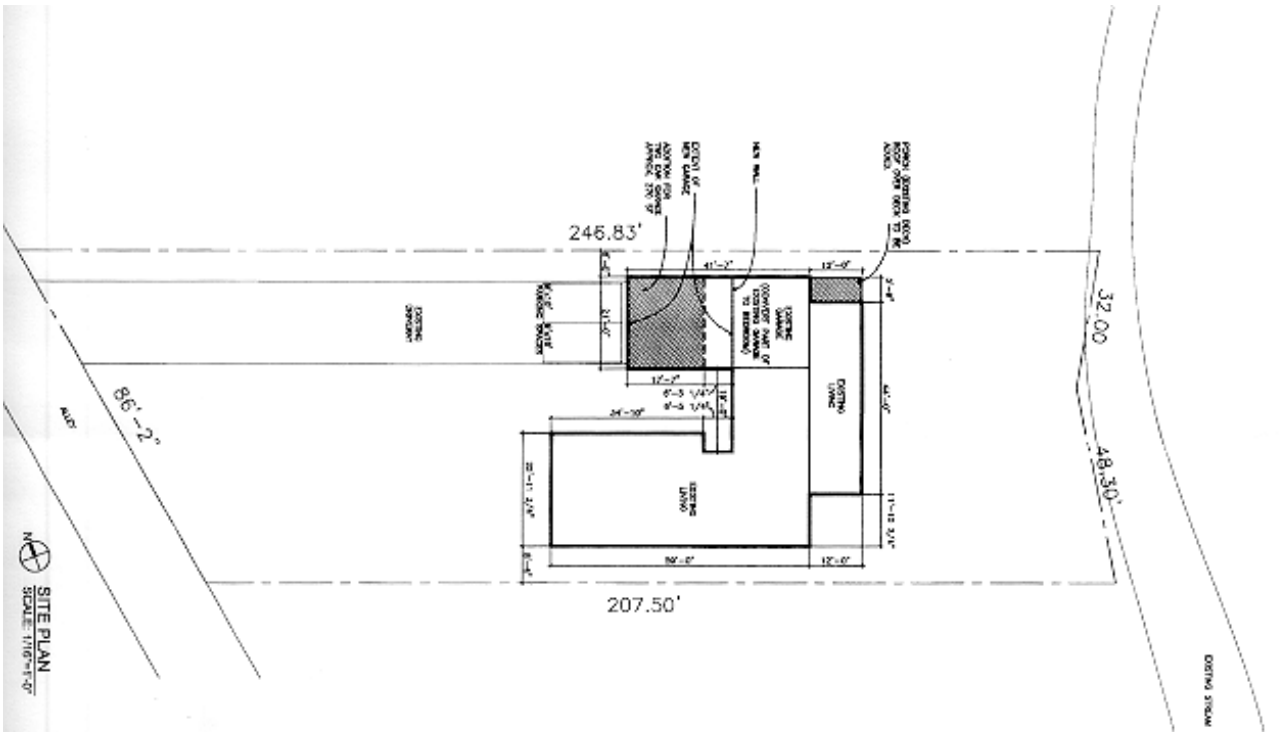
Applicant requests the following conditions be placed on the variance and specifically included in the ordinance:

- 1) The variance is to automatically expire ten years from the effective date. All components of the second dwelling unit shall be removed and the house used in its entirety as a single-family dwelling.
- 2) If the existing house is razed, removed or destroyed, the variance shall automatically expire.
- 3) That the variance ordinance be conditioned upon the site plan titled "Site Plan" dated March 3, 2006 and signed March 6, 2006 by Donald Plank, attorney for applicant's and property owner.
- 4) The property owner shall record, with the Franklin County Recorder's Office, notice of the variance and the expiration of same ten (10) years from the effective date to cause such notice to appear in any public records/title search of 172 Overbrook Drive. This condition shall appear in the variance ordinance for information purposes only. The City of Columbus shall have no responsibility for

**the document to be recorded nor shall the document be a condition or requirement of the city issuing any Certificate of Zoning Clearance or permit for the two-family dwelling. The notice of the variance shall be recorded within 90 days of the effective date of the variance ordinance.**

**A hardship exists in that applicant is a long time resident of the area, and has particular temporary needs related to the property that cause the need for this temporary variance.**

**03-03-06**



THE SITE PLAN INDICATES THE EXISTING SINGLE-FAMILY DWELLING AND REAR/TOUR ENTRANCE ACCORDING TO THE FOOTPRINT SHOWN BY HATCHING AS LONG AS THE DWELLING IS USED AS A SINGLE-FAMILY DWELLING. ANY OTHER USES OR REAR/TOUR ENTRANCE SHALL BE SUBJECT TO REVIEW AND APPROVAL BY THE RELEVANT AGENCIES OR OFFICES. THE DRAWING DOES NOT DETAIL AND IS NOT INTENDED TO BE USED AS A BASIS FOR CONSTRUCTION. THE DRAWING IS A TWO-DIMENSIONAL REPRESENTATION OF THE DWELLING AS A TWO-DIMENSIONAL DWELLING.

*Donald Plank*  
 DONALD PLANK, ATTORNEY FOR APPLICANTS AND PROPERTY OWNER  
 Final Reviewer \$1600 by *Proveny Fine*  
 DATE 3/6/06

CV06-002

C-10

Site Plan for Creative Housing Inc. at  
 172 Overbrook Drive  
 Columbus, OH 43214-3121

**SITE PLAN**  
 MARCH 03, 2006

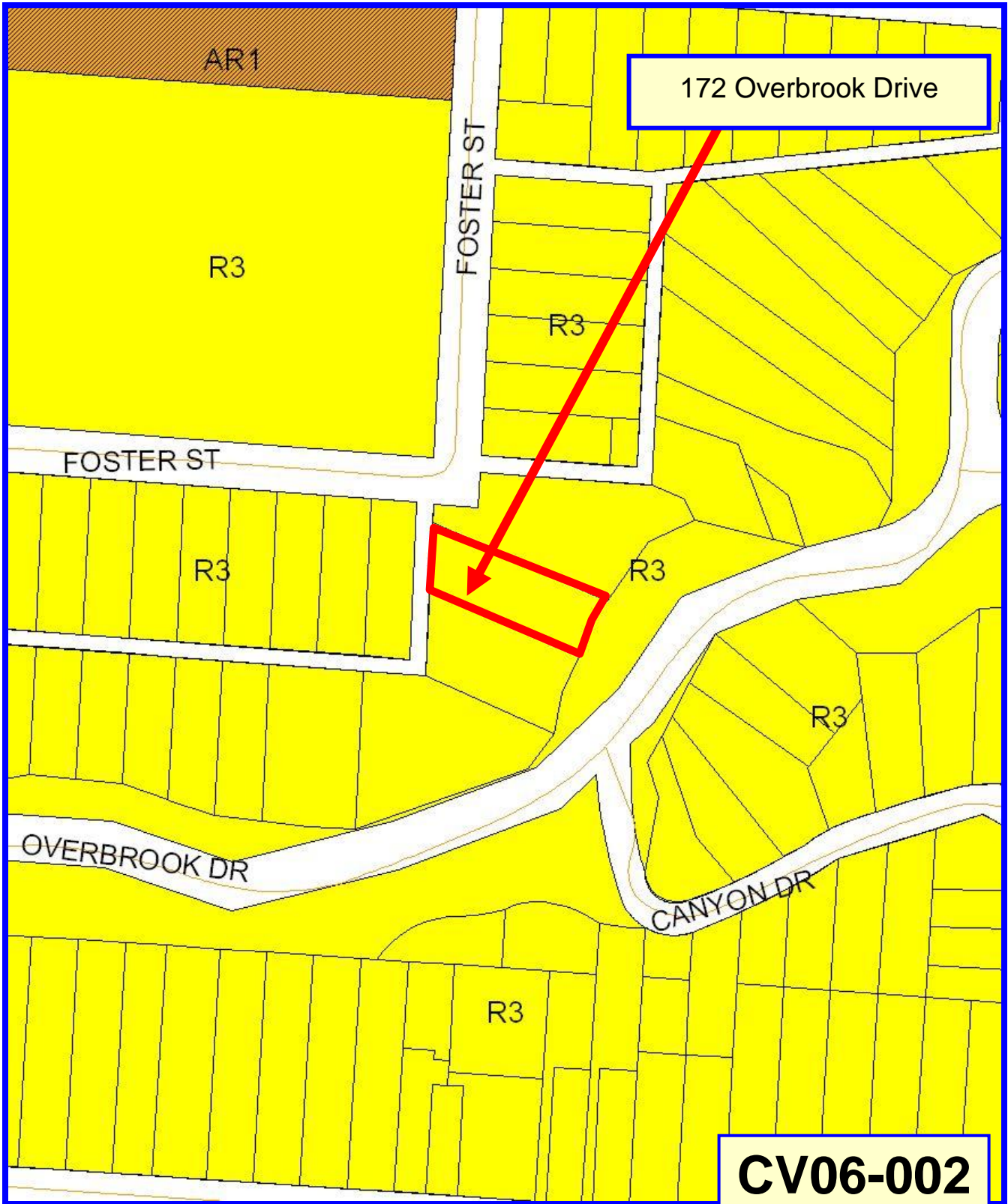
SCALE 1/8" = 1'-0"

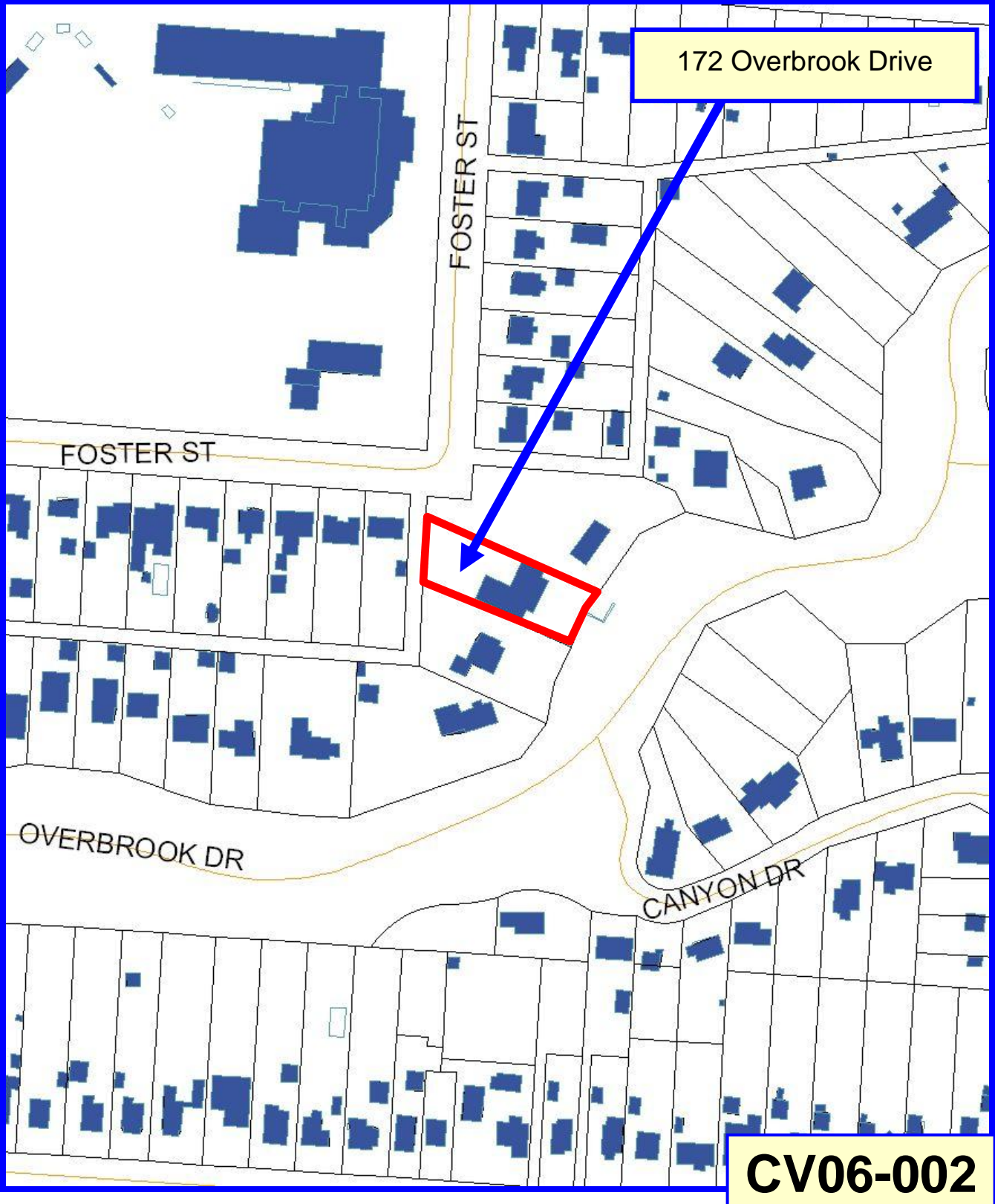


JOB NUMBER: 03-01-23

PLAN SUBMITTAL  
 3D DOCUMENTS  
 CONSTRUCTION

**Creative Architectural Solutions, Inc.**  
 455 South Ludlow Street, Third Floor  
 Columbus, Ohio  
 614 255-4045 FAX: 621-6420  
 marketing@caarchitectu





172 Overbrook Drive

**CV06-002**



## MEMORANDUM

To: Shannon Pine  
From: Paul Harris, Clintonville Area Commission Secretary  
Date: 8 March 2006  
Re: Zoning Variance: *172 Overbrook Drive, Council Variance to permit a two-family dwelling in a single-family R-3 district*

---

The Clintonville Area Commission (CAC) met Thursday, February 2 to consider one development item. The issue was a council variance request by owners Theodore and Norma Jean Williams and Creative Housing, Inc. for the property at 172 Overbrook Drive. Architect Dave Perry also was present to represent the owners.

- The request was to allow, on a temporary basis, a two-family dwelling in the R-3 Residential District. **The CAC recommended approval of the request by a vote of 9-0** after consideration of the following issues:
  - Mr. Perry stated that the Williams's son, Tom, is developmentally disabled and requires 24-hour supervision and assistance as well as a place of residence. Jean and Ted Williams are elderly and, as there is no other immediate family, concerned for their son's care when the time comes that they no longer will be able to provide it. To allow their son to be cared for in his own home, the Williams will transfer ownership of their home at 172 Overbrook Drive to Creative Housing, Inc., a not-for-profit organization that has obtained more than 400 houses in Franklin County and converted them to use for those with developmental disabilities.
  - Jean and Ted Williams are fifty-year Clintonville residents who have lived in their current home the past fifteen years. They wish to renovate their home to provide separate living quarters for their son and a modest "mother-in-law suite" living area and kitchen for themselves. The proposed renovation includes a six-foot extension of the garage toward the rear of the property, the only change to the exterior of the building.
  - The applicant has asked that its requested variance expire ten years after its effective date. They also requested that the variance expire if the house is razed, removed or destroyed.
  - In his district report, Commissioner Dave Southan said neighborhood support for the requested variance is strong; no opposition was expressed. Commissioner John DeFourny, co-chair of the CAC Variance & Zoning Committee, stated that the committee unanimously (5-0) recommended approval of the requested variance if the following conditions are met: (1) The variance expires automatically ten years from its effective date; (2) The owners must commit to and execute the submitted site plan; (3) The variance expires if the house is sold, razed, removed or destroyed.

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

Sincerely,

Paul Harris, Secretary  
Clintonville Area Commission

Cc: Applicants



Neighbor Address

Date

Dear ----- ,

This letter is to let you know about our plans for the future of our son and our property.

As you know, the passing of our daughter (12/04/00) left our handicapped son with no "buffer" when we are gone, since there is no immediate family to assume his care. Tom requires "24/7" supervision and assistance as well as a place of residence. Arranging for this for when we are no longer able to provide care is extremely challenging and difficult.

Our number one priority is for Tom to be cared for in his own home. To achieve this we have arranged for 172 Overbrook to be placed in the care of Creative Housing, Inc. Creative Housing is a highly respected and capable nonprofit organization whose work is to obtain and convert houses into homes for individuals with MR/DD. Currently they care for 400 plus houses in Franklin County plus some apartments, doubles, etc. and have earned a reputation for maintaining "the best looking house on the block."

Tom is to remain in residence at 172 Overbrook and will invite two of his friends with similar diagnosis to live here with him. This will qualify the residence not only for conversion and care of the residence but also for 24/7 care for Tom and his friends.

The next question is what about us? Where do we live? We also dearly love our home and have enjoyed the friendship of good neighbors for the past 15 years. We want to stay.

Therefore, we have worked out a unique plan of renovation which will allow us to live here in what may well be called a "mother-in-law suite". The only exterior change will be to extend the garage a few feet down the driveway (less snow shoveling!). Every effort will be made to maintain the architectural integrity by blending the roof line and matching the exterior. The effect will be to increase the size and value of the house. The interior suite will utilize existing space and utilities.

The truly wonderful part of this is it will allow us to BE ON THE PREMISES. Therefore we will be able to monitor not only Tom's care but the maintenance of the property.

The difficult part of this is it may require a variance of THIS PROPERTY ONLY to allow us to live here with our son. The variance would shift this property only to a two-family residence for as long as we live here also. When we leave, the property will revert to a one-family residence.

We are presenting all this to you not only because we value you as neighbors and friends and want to keep you informed, but because it would help us a great deal if we had your support should this variance be necessary. If you agree that the variance is acceptable to allow us to live here with our son please sign and date the statement to that effect below. If you have any questions concerning all this please feel free to call us (263-6414) or come over and we'll do our best to clarify it.

THANK YOU SO MUCH!

Jean and Ted Williams, Tom Williams

---

We agree to a variance on the property at 172 Overbrook Dr., Columbus, Ohio, 43214, to temporarily change it from single occupancy to double occupancy. We understand that this variance is for this property only and for the duration of Ted and Jean Williams' residence here and will not in any way affect the zoning of the rest of the neighborhood.

Name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

Phone \_\_\_\_\_

Date \_\_\_\_\_

City of Columbus | Department of Development | Building Services Division | 757 Carolyn 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 # CV06-002

Being first duly cautioned and sworn (NAME) Donald Plank  
 of (COMPLETE ADDRESS) Plank & Brahm, 145 E. Rich Street, Columbus, Ohio 43215  
 deposes and states that (he/she) is the APPLICANT, AGENT or SOLELY 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. Norma Jean Williams 172 Overbrook Drive Columbus, Ohio 43214 # of Columbus Employees: 0 Contact: Norma Jean Williams T: 614-418-7725	2. Creative Housing, Inc. 2233 City Gate Drive Columbus, Ohio 43219 # of Columbus Employees: 20 Contact: Pat Rafter T: 614-418-7725
3.	4.

SIGNATURE OF AFFIANT

Donald Plank

Subscribed to me in my presence and before me this 3rd day of January, in the year 2006

SIGNATURE OF NOTARY PUBLIC

Stacey L. Danza

My Commission Expires:

11-05-08

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

Notary Seal Here



STACEY L. DANZA  
 Notary Public, State of Ohio  
 My Commission Expires 11-05-08