

Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio
 614-235-8677 FAX:614-235-4559

A Boundary Survey prepared for and certified to:

Main-Miller Company, LLC

Legal Description: Situated in The State of Ohio, County of Franklin, City of Columbus Being 0.024 Acres (1033 S.F.), 0.024 Acres (1045 S.F.), 0.0235 Acres (1025 S.F.), 0.015 Acres (664 S.F) and 0.002 Acres (100 S.F.), being all of the land conveyed to Main-Miller Company, LLC, (L.N. 201802150022358 and I.N. 201805180066289)

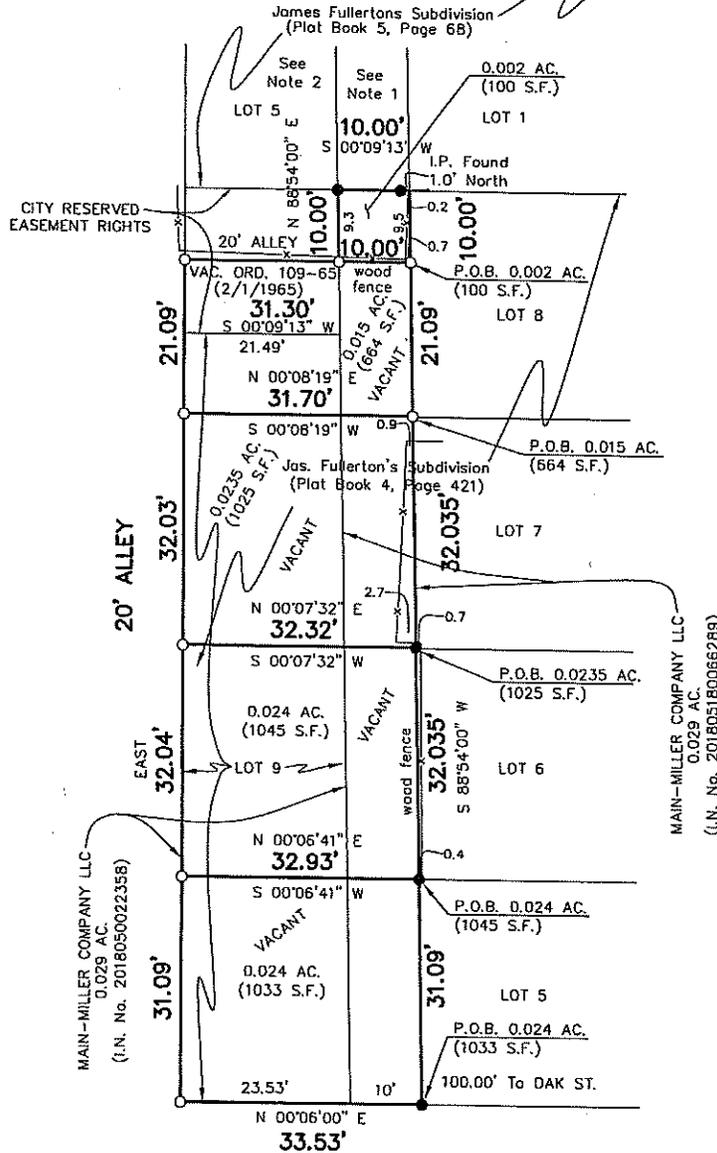
Applicant:

Posted Address: 158 Linwood Avenue, Columbus, Ohio



Scale 1" = 20'
 Date: 01/25/2019

CV19-010 Final Received
 4/9/2019



- Notes**
- 1) Kyle E. Hofmeister
 0.024 AC.
 (Inst. No. 201506260086103)
 - 2) Kyle E. Hofmeister
 (Inst. No. 201506260086101)

LEGEND

- = I.P. Set
- = 1" dia. I.P. Found w/orange plastic cap inscribe "MYERS P.S. 6579"



Dan Hodge - Assoc 4/7/19

LINWOOD AVENUE 19.5'

We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code. Iron pipes set are 30"x1" O.D. with an orange plastic plug inscribed "MYERS P.S. 6579", unless otherwise noted. Basis of bearings is the south line of Fair Avenue assumed EAST.

Myers Surveying Co., Inc

By *Joseph P. Myers*
 1/25/2019
 Professional Surveyor

Myers Order No.-2-01/05/2018	Rec.	Field	DWG.	Ltr.	Ck.
		JM	K		



DEPARTMENT OF BUILDING AND ZONING SERVICES

Council Variance Application

111 North Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

STATEMENT OF HARDSHIP

Application #: CV19-010

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):

Please see attached Statement of Hardship.

Multiple horizontal lines for providing details of the hardship.

Signature of Applicant [Handwritten Signature]

Date 1/24/19

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

Property Address: 158 Linwood Avenue
Parcel ID: 010-039848 and 010-298142
Owner/Applicant: Main Miller Co. LLC
1314 Bryden Road
Columbus, Ohio 43205
Attorney: David Hodge
Underhill & Hodge
8000 Walton Parkway, Suite 260
New Albany, Ohio 43054
david@uhlfirm.com
Date: April 9, 2019

The Applicant submits this Statement of Hardship in support of its Council Variance Application. The site is located east of Linwood Avenue and north of Oak Street in the Franklin Park neighborhood. The site consists of two parcels (PID's: 010-039848 and 010-298142) which are both zoned R3. The site is bordered on all sides by parcels zoned R3.

The site is not subject to a commercial overlay nor a planning overlay and it is not a historic site. The neighborhood is listed in the National Register of Historic Places. The site is within the boundary of the Near East Area Commission and subject to the Near East Area Plan. The Plan, however, does not recommend a specific use for this site.

The Applicant proposes, by means of lot splits, lot combinations, and various use and area variances, to make use of the newly created parcels as if they were the rear yards and combined with the adjacent lots to the south. Specifically, Applicant proposes construction of garages on the newly formed parcels and those garages shall only be used by the adjacent residences. Each proposed garage will not exceed 750 square feet in area and will not exceed 15 feet in height. The Applicant submits that the proposed development promotes the policies and strategies set forth in the Housing and Historic Preservation Plan of the Near East Area Plan:

- Fostering redevelopment of these properties is a private investment which will make the residences they serve more attractive for home ownership.
- Garages, when added, are also a means of rehabilitation for the homes they serve and contribute to the neighborhood's revitalization efforts.
- The garages would be constructed on a vacant lot which is otherwise too small for any other type of development.
- In accordance with the Plan, these new garages would be detached and behind the homes they serve.
- The design of the garages will be compatible with the neighborhood in terms of height, scale, and materials.

The Applicant stresses that its proposal will not increase the neighborhood's density and no new dwelling units are proposed. Rather, the lot split and lot combinations are proposed so that the property lines of the garage parcels match the property lines of the houses which they serve. The Applicant submits that lot splits and lot combinations are appropriate under these circumstances and not opposed to the policies and strategies of the Plan.

The Applicant respectfully requests the following variances to allow the proposed development:

1. 3332.035 – R-3 residential district. The Applicant requests a variance to allow vehicular parking and/or accessory structures to be the primary use. Vehicular parking and/or accessory structures shall be for the sole use of the residents of the dwellings on Parcel Numbers 010-030250, 010-023496, 010-051868, and 010-057113.
2. 3332.05(A)(4) – Area district lot width requirements. The Applicant requests a variance to reduce the minimum lot width from 50 feet to 31 feet, 32 feet, 21 feet, and 10 feet for the newly created parcels as indicated on the attached survey.
3. 3332.13 R-3 area district requirements. To allow principal building, here accessory structures to the adjacent lots to the south, to be on lots less than 5,000 square feet.
4. 3332.19 – Fronting. To allow the creation of parcels that may have garages as principal structures to be located on parcels that do not front on public streets – here they are on an alley.
5. 3332.18(D) – Basis of computing area. The Applicant requests a variance to increase the allowable building coverage from fifty percent to eighty-five percent.
6. 3332.25 – Maximum side yards required. The Applicant requests a variance to decrease the required sum of widths of each side yard from twenty percent of the lot widths to four (4) feet.
7. 3332.26(B)(1) – Minimum side yard. The Applicant requests a variance to reduce the required minimum side yard from three (3) feet to two (2) feet.
8. 3332.27 – Rear yard. The Applicant requests a variance to reduce the required minimum rear yard from twenty-five percent of the total lot area to zero percent of the total lot area.
9. 3332.38(A) – Private garage. The Applicant requests a variance to allow a private garage as an accessory use to a lot in a residential district that is not occupied by a dwelling.
10. 3332.38(E) – Private garage. The Applicant requests a variance to increase the allowable garage occupation of the total rear yard from 45% to 100%.
11. 3332.38(F)(2) – Private garage. The Applicant requests a variance to allow each newly created lot to have a private detached garage which will not exceed 750 square feet in area.

The Applicant submits that the requested use variance will not adversely affect the surrounding property owner and that denial of this variance would result in an unnecessary hardship. This use variance is necessary merely because the proposed garages will technically be on their own parcel. However, the residence will effectively function with their garage as if they are on the same parcel. Keeping the garage lots separated from the residence lots is an unfortunate situation which cannot be avoided. There are certain property title issues which make combination of the garage parcels with the residence parcels impossible.

This site is located within a largely low-density residential neighborhood and it is a regular occurrence for homes to have a detached garage in the rear of the lot. Though the garage parcels technically require a use variance, this site will operate like any other single-family residence with a rear detached garage within the neighborhood. Therefore, this use variance will not negatively affect surrounding property owners.

The Applicant also submits that the requested use variances are warranted as a result of practical difficulties. Construction of the garages is a rehabilitation for the homes they serve and contribute to the neighborhood's revitalization efforts. This construction will ultimately allow the Applicant to realize a reasonable return on the property. The requested variances are not substantial. If the garage parcels were able to be combined with their corresponding residence parcel, then the only necessary variances would be reduced side yards and reduced side yards are an existing nonconforming condition for the residence. The requested variances will allow the construction of rear lot garages with substantially conform with the neighborhood and could not be said to cause the neighbors any substantial detriment. The requested variances will not negatively affect the delivery of governmental services. The Applicant cannot feasibly obviate the predicament through other means because property title issues prevent the garage parcels from being combined with the residence parcels.

Applicant respectfully submits that the spirit and intent behind the zoning requirements would be observed and substantial justice done by granting the requested variances. The primary purpose of a zoning code is to protect a property owner's rights and those of their neighbors. Variances exist under this system to allow developments which fit within the spirit and intent of the zoning district but do not exactly fit under the strict letter of the zoning code. In this case, Applicant proposes a construction of garages which are appropriate under the zoning classification and only variances which are not substantial, they do not alter the character of the neighborhood, nor do they cause substantial detriment to adjoining property owners.

The Applicant respectfully requests the Columbus City Council weigh these factors in its consideration, find that this Applicant suffers from a practical difficulty, and that denial of the requested use variance would result in an unnecessary hardship.

Main Miller Co. LLC

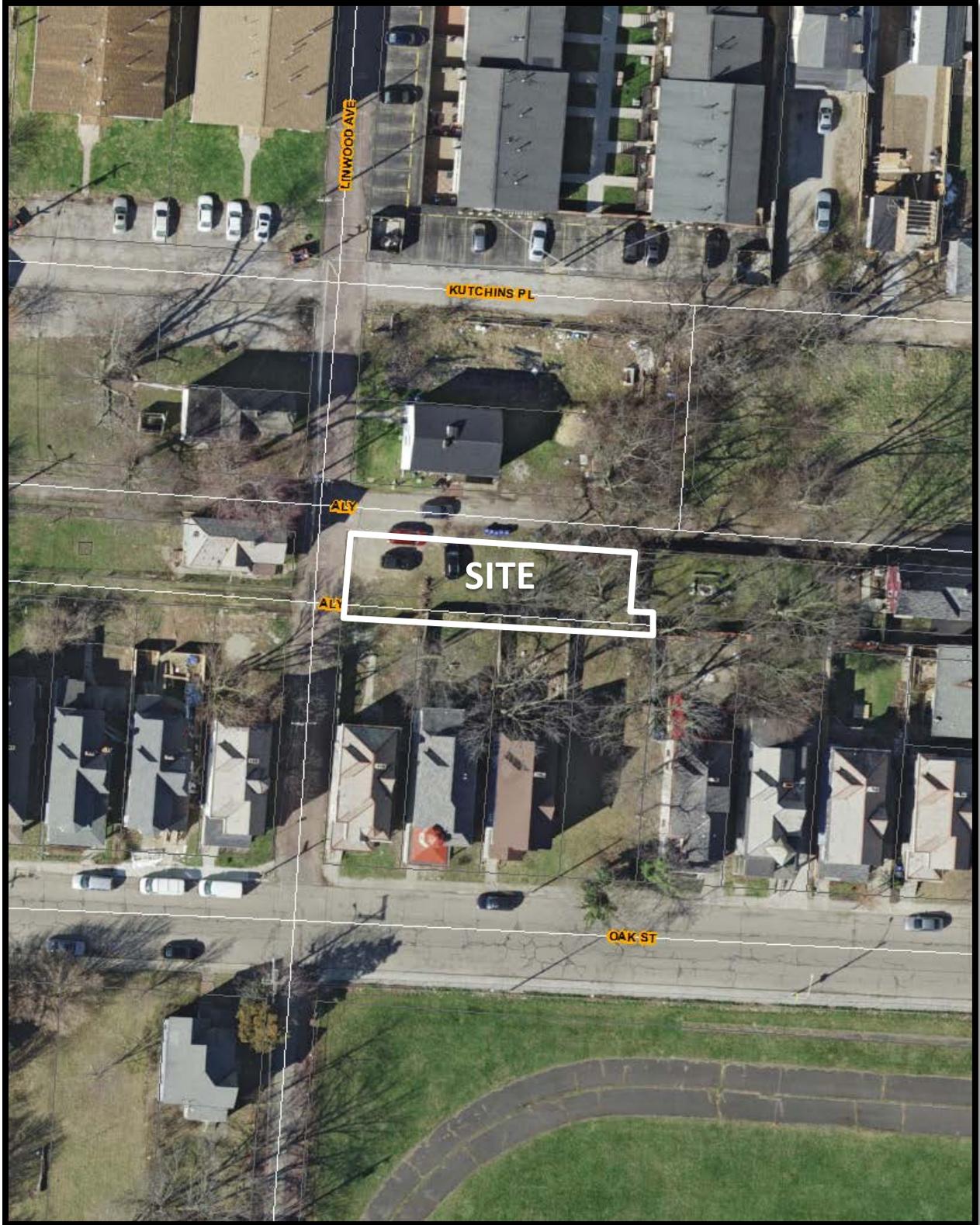
By:

Signature of Applicant: /s/ David Hodge

Date: April 9, 2019



CV19-010
158 Linwood Avenue
Approximately 0.09 acres



CV19-010
158 Linwood Avenue
Approximately 0.09 acres

Standardized Recommendation Form

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.bzs.columbus.gov

FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW

Case Number CV19-010

Address 158 Linwood Avenue

Group Name Near East Area Commission - NEAC

Meeting Date 4/11/19

Specify Case Type

- BZA Variance / Special Permit
- Council Variance
- Rezoning
- Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

- Approval
- Disapproval

NOTES:

Vote 12-0-0

Signature of Authorized Representative *Annelle J. [Signature]*

Recommending Group Title Near East Area Commissioner

Daytime Phone Number 614-531-2700

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.



DEPARTMENT OF BUILDING AND ZONING SERVICES

Council Variance Application

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov • zoninginfo@columbus.gov

PROJECT DISCLOSURE STATEMENT

All parties having a 5% or more interest in the project that is the subject of this application should be listed. **THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED.** Do not indicate 'NONE' in the space provided.

APPLICATION #: CV19-010

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) David Hodge
of (COMPLETE ADDRESS) Underhill & Hodge LLC, 8000 Walton Parkway, Suite 260, New Albany, Ohio 43054
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. Main-Miller Company LLC 1314 Bryden Road Columbus, Ohio 43205	2.
3.	4.

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

David Hodge

Subscribed to me in my presence and before me this 29th day of January, in the year 2019

SIGNATURE OF NOTARY PUBLIC

Kimberly R. Grayson
1-11-2020



KIMBERLY R. GRAYSON
Notary Public, State of Ohio
My Commission Expires
January 11, 2021
This 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