

CV05-006

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



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 *Donna Klein, Attorney* Date *1/28/05*

STATEMENT OF HARDSHIP**USE VARIANCE APPLICATION****Applicant: Connie J. Klema****Owner: New Victorians, Inc.****Subject Property:**

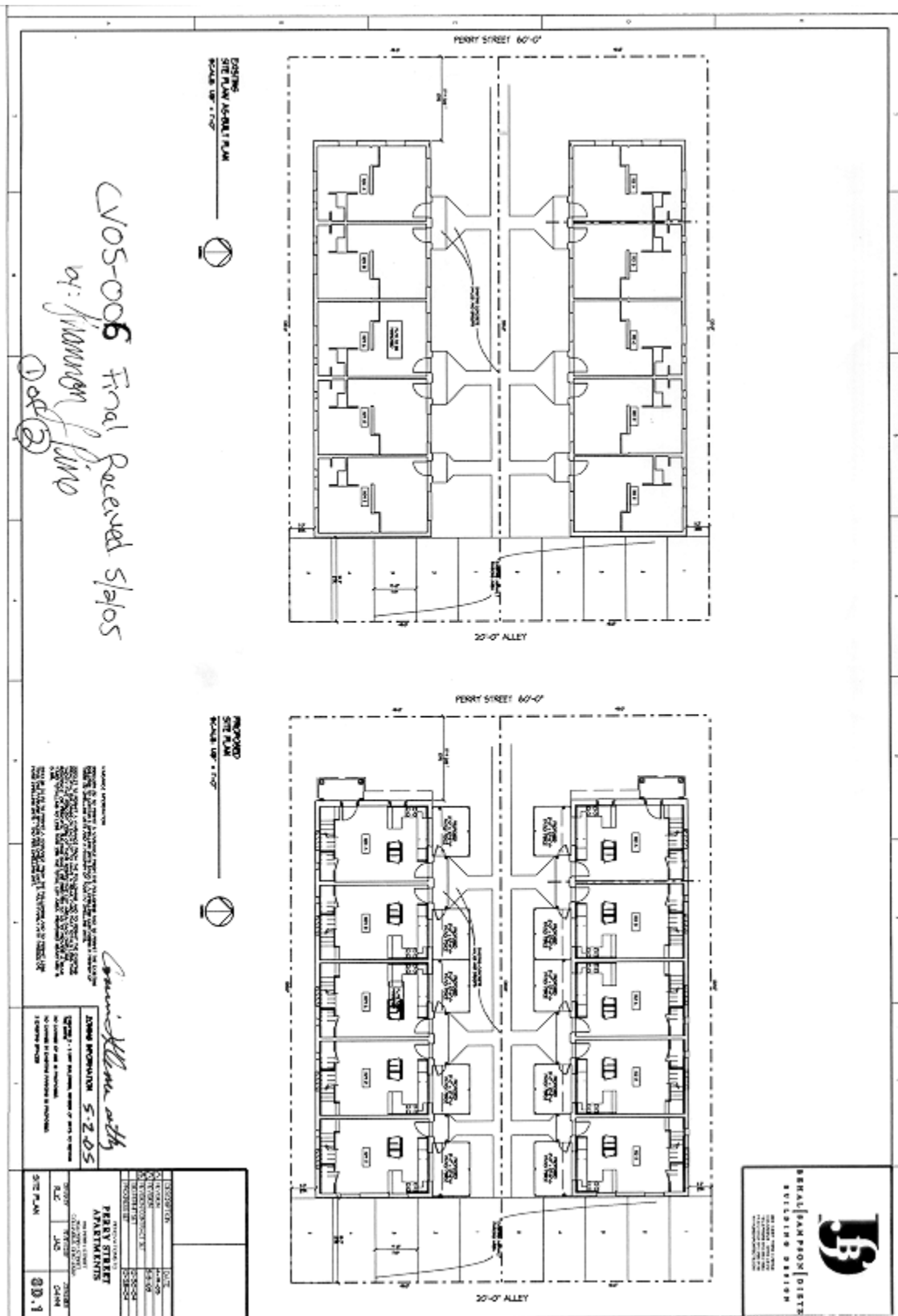
The subject property consists of two (2) contiguous parcels. Each parcel has one (1) - five (5) unit building. Each parcel is zoned R-4.

Under the present R-4 regulations, a dwelling cannot contain more than four (4) dwelling units. However, because the five (5) unit buildings were constructed prior to the present R-4 regulations, the existing buildings are permitted as "nonconforming uses."

The owner wishes to improve and update the existing five (5) unit buildings to include a second floor and attic area, thereby increasing the floor area of each unit by more than 50%. However, according to the present zoning regulations, except on special permit as provided in C.C. 3307.06, no building arranged, designed and devoted to a non-conforming use and conducted without abandonment may be reconstructed, structurally altered or enlarged in any lawful manner, or extended, so as to increase the floor space over that existing, unless the use of said building is changed to a conforming use. And, although C.C. 3307.06 provides that a special permit may be granted for the enlargement of nonconforming buildings, it also states it shall not be granted if the enlargement is more than fifty (50%) percent of the total floor area of the original nonconforming building. For these reasons, the subject property requires a variance to permit the enlargement of more than 50% of a non-conforming building.

Therefore, the applicant requests a use variance to permit the enlargement of an existing residential structure. Given the fact that the variance does not alter the actual "use" of the site (residential), or the number of units in each building (5), such use variance will not adversely affect the surrounding property or surrounding neighborhood. In sum, the variance will alleviate the hardships and difficulties that arise by having less than adequate living area in the existing units by providing adequate living space in each unit to accommodate the space and amenities desired by individuals who want to live in the Harrison Village area.

The variance will not impair an adequate supply of light and air to the adjacent property, but will blend with the architecture and design of the neighboring homes. Because no increase in density is requested, the variance will not increase the congestion of public streets or increase the danger of fires. In addition, it will not endanger the public safety or unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.



CV05-006 Final Revised Slaps
by: Shannon F. Lind
 1 of 2

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PROJECT NO.	05-006
DATE	11-11-05
PROJECT NAME	PERRY STREET APARTMENTS
CLIENT	SHANNON F. LIND
SCALE	AS SHOWN
DATE	08-11

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*CVOS-006 Final Received 5/1/03
by Murray Fine
② or ③*

George Kern atty s/p/s

PROFESSIONAL SEAL

BRUCE J. KERN
REGISTERED ARCHITECT
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STATE OF CALIFORNIA

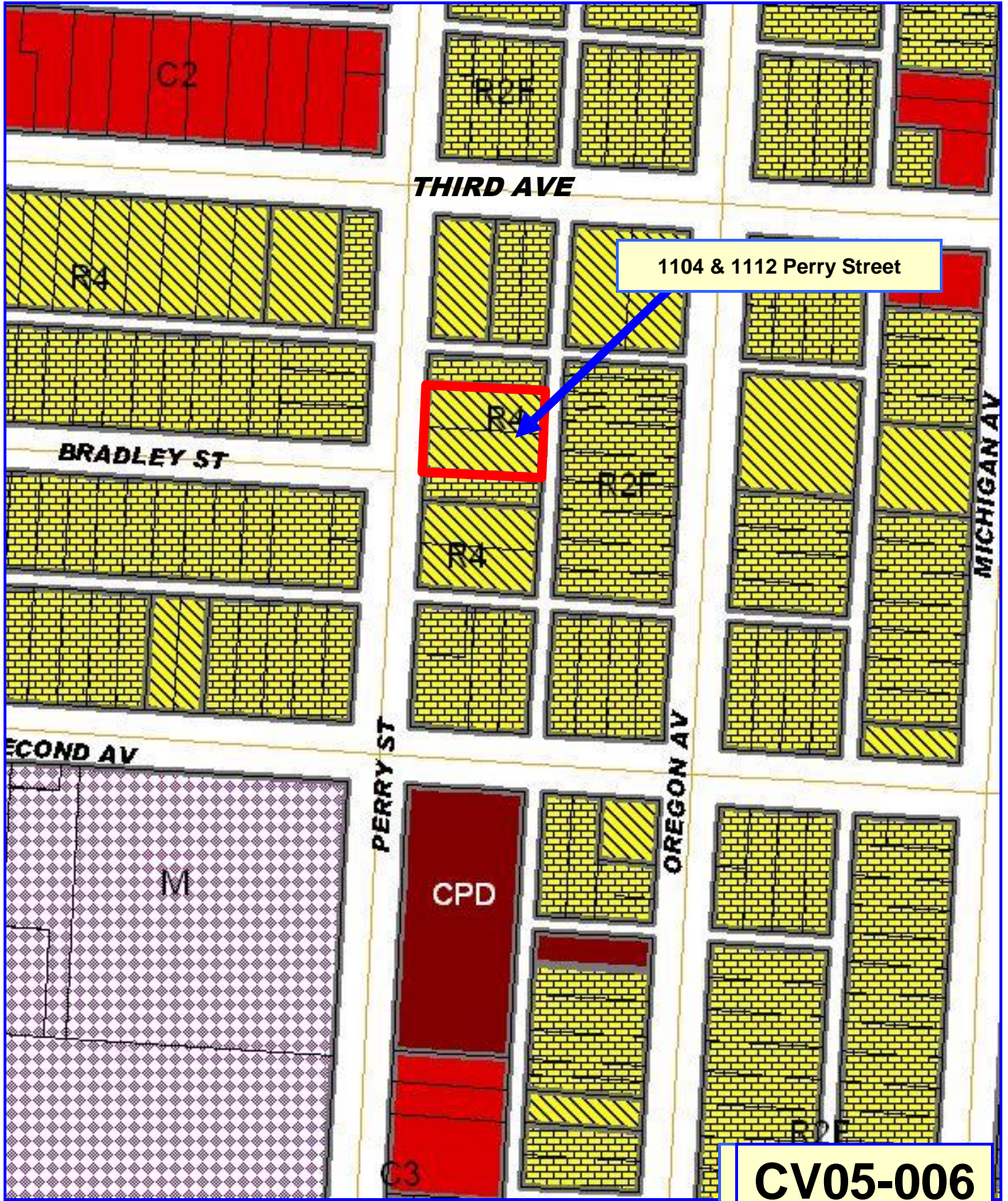
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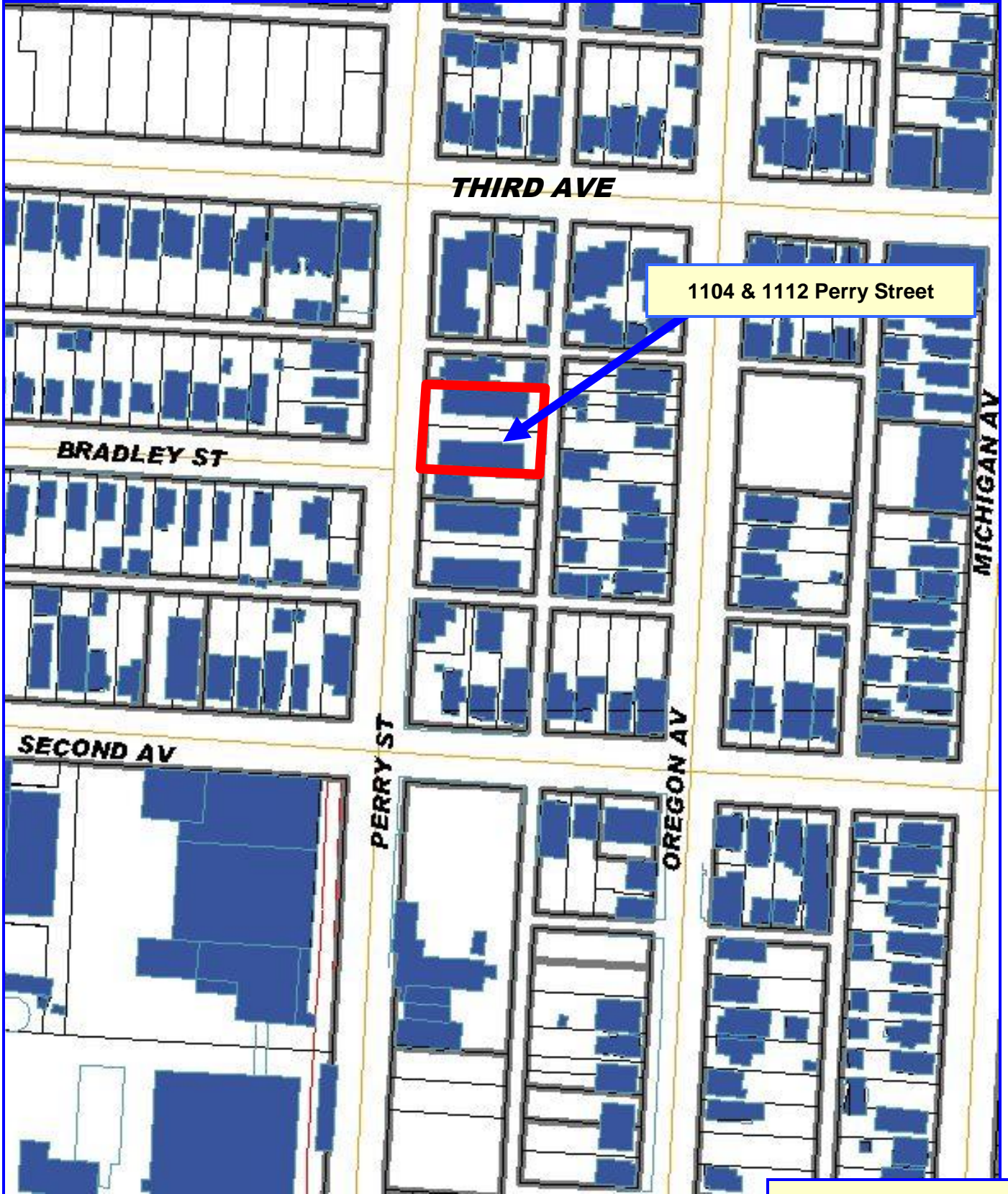
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