

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 Attached*

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Signature of Applicant (Signed in BLUE INK) *[Signature]* Date 8/29/05

*CV05-046*

**Nathan Fisher**  
**Peak 10 Development**  
**3400 N. High Street**  
**Suite 200**  
**Columbus, OH 43202**  
**614-246-7153 ext 1002 614-246-7157 (fax)**

**Statement of Hardship**

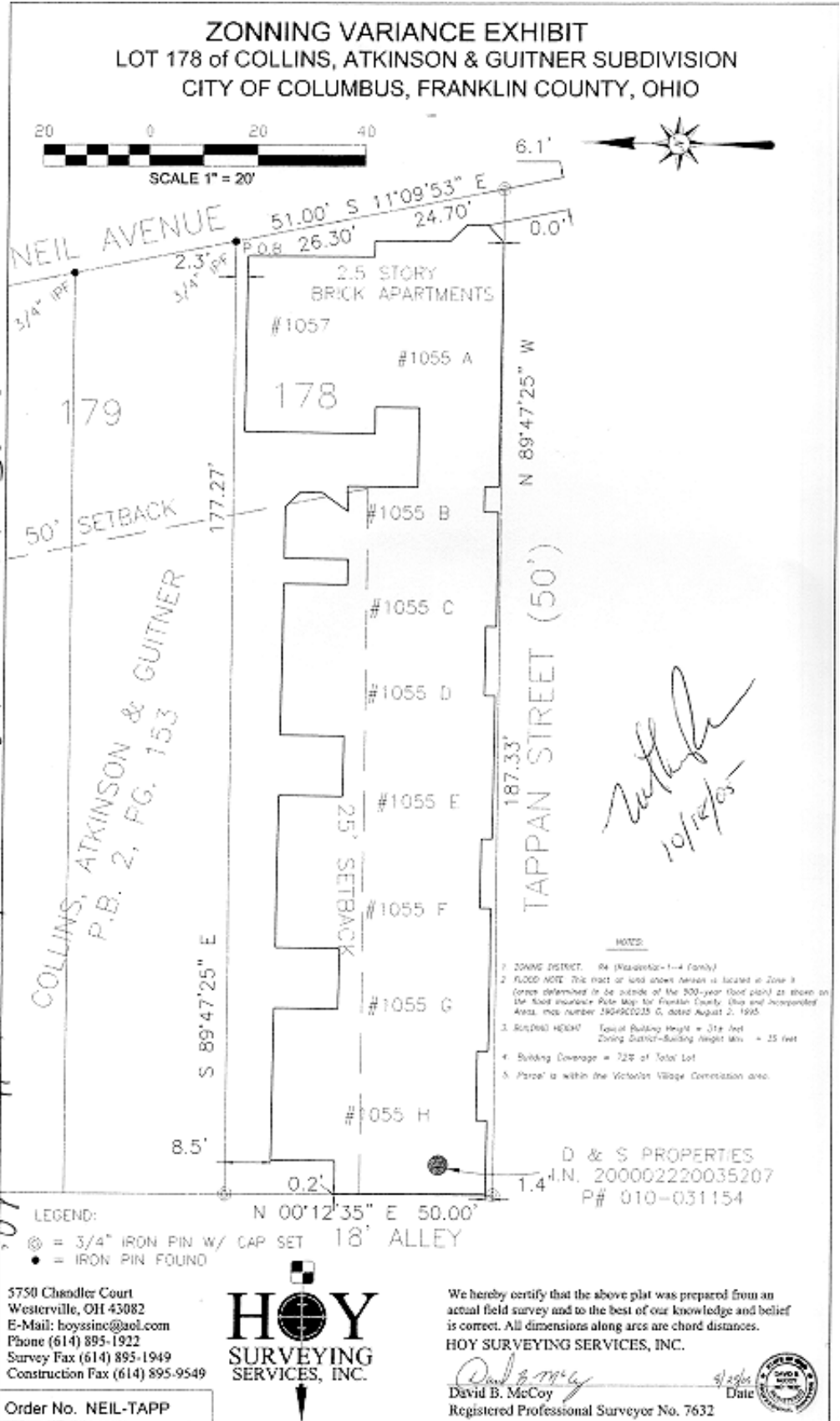
The property that is the subject of this council variance application is comprised of one (1) tract of real estate under the following Franklin County Auditor's Tax Parcel Number: 010-031154 (the "Site). The council variance request is for use and or standards. Applicant seeks the appropriate zoning and use for this existing 9 unit residential building, constructed around 1890, to complete renovations and maintain the structure and comply with current zoning within the R-4 district. The building consists of a 9 town home-style units.

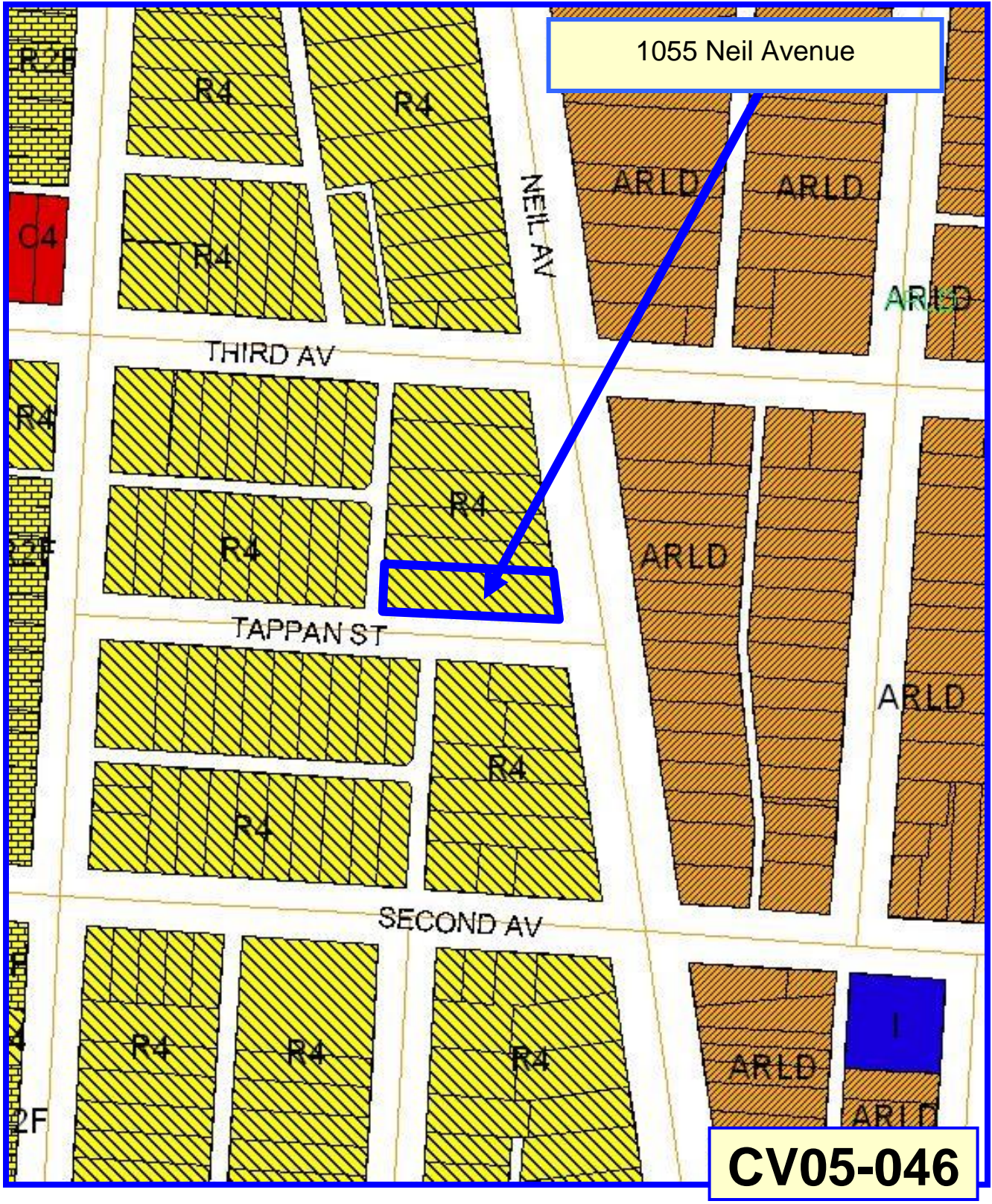
Importantly, granting of this variance will not in any way affect the essential character of the neighborhood as it relates to the surrounding properties nor will there be any adverse effect on the surrounding property owners. Furthermore, there will be no effect on the delivery of governmental services.

It should be emphasized that in seeing this variance, Applicant merely desires to continue the pre-existing, non-conforming use of the Site that has existed for over 100 years. As mentioned above, Applicant seeks to renovate the structure, but in doing so must comply with existing zoning laws. Importantly, granting of this variance will not in any way affect the essential character of the Site as it relates to surrounding properties nor with there be any adverse effect on the surrounding property owners. Furthermore, the use of the Site will remain the same.

Furthermore, the granting of this variance will in no way impair an adequate supply of light and air to adjacent property as the structure will not be changed and will remain similar in height to the structures in the area. The granting of this variance will not unreasonably increase the congestion of the public streets, increase the danger of fires, 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, as the ultimate use of the property will remain the same. Instead, the granting of this variance will quantifiably increase the health, and safety and welfare of the residents of the City of Columbus by resulting in a much-improved quality housing units.

In light of the obvious hardship and the practical difficulties being experienced by it, the Applicant respectfully requests that City Council grant the council variance to permit the existing structure to comply within the current R-4 zoning and reduce the development standards to address the existent conditions of the site and building.









City of Columbus  
Mayor Michael B. Coleman

Department of Development  
Mark Barbash, Director

**Certificate of Appropriateness**

**VICTORIAN VILLAGE COMMISSION**

**COPY**

*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:** 1055-1057 Neil Avenue  
**APPLICANT'S NAME:** Peak 10 Development (Applicant)/ D&S Properties (Owner)  
**APPLICATION NO.:** 05-10-18a-a  
**HEARING DATE:** October 13, 2005  
**EXPIRATION:** October 13, 2006

The Victorian 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 & 3325 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 the approval of proposed variance application #05-10-18a-a, 1055-1057 Neil Avenue, as submitted:

- Applicant seeks variance approval for existing 9-unit residential building, constructed ca. 1890, to complete renovations and comply with current zoning within the R-4 District.
- 3332.039 - To conform use to a 9-unit residential dwelling in the R-4 District.
- 3332.15 - To reduce lot area requirements to allow a 9-unit residential dwelling.
- 3332.18 - To allow lot area coverage of 72%.
- 3332.21 (E) - To reduce building lines.
- 3332.25 - To reduce maximum side yard setbacks required.
- 3332.26 - To reduce minimum side yard setbacks permitted.
- 3332.27 - To reduce maximum rear yard setbacks required.
- 3332.28 - To allow a maximum building height.
- 3332.29 - To allow for clear vision clearance.
- 3332.30 - To reduce parking required spaces from 18 to 0.
- (See Statement of Hardship).

**MOTION:** Conte/Vogt (5-0-1) [Decker] RECOMMENDED.

- 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. Blask  
Historic Preservation Officer

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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 # CV05-046

Being first duly cautioned and sworn (NAME) NATHAN D. FISHER / Peak 10 Development  
of (COMPLETE ADDRESS) 3400 W. High St. Suite 200 Columbus, OH 43201  
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 FISHER</u> <u>4 N. BROADWAY LN.</u> <u>Columbus, OH</u> <u>43214</u>	2. <u>SUZANNE FISHER</u> <u>4 N. BROADWAY LN</u> <u>Columbus, OH 43215</u>
3.	4.

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 29<sup>th</sup> day of August, in the year 2005

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

Nathan D. Fisher  
Kimberly D. Graham  
April 16, 2010

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

Notary Seal Here



**KIMBERLY D. GRAHAM**  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES APRIL 16, 2010