

Council Variance Application

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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 not included, a new application (and applicable fees) 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 for full description of variance requested and Statement of Hardship.

Signature of Applicant _____



Date _____

5/23/23



RICHARDSON LAW

6059 Frantz Road, Suite 201, Dublin, Ohio 43017

May 22, 2023
and updated on
June 1, 2023 and June 29, 2023

STATEMENT OF HARDSHIP

Current Zoning: Residential

Applicant: 2266 Hiawatha LLC through
Eric Weisgarber

Specific Zoning Classification: R3

Number of Units: Two

Legal Nonconforming

Premise: 2266-2268 Hiawatha Park Drive,
Columbus Ohio 43211

General Purpose of Application: Applicant obtained a Small Residential Income Property Appraisal Report (“Report”) which stated that a variance would be required to rebuild as a two-unit structure if more than 50% of the Premise was destroyed. (See Exhibit A; Page 3). Applicant is unable to refinance the Premise without first obtaining a variance that would enable Applicant to rebuild the Premise as a two-unit structure in the event 50% or more of the Premise is damaged. Applicant cannot refinance the home from any lending entity without first obtaining a variance.

General Type of Variance Requested: 3307.10(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.

Specific Variance Requested: If 50% or more of the Premise is damaged or otherwise destroyed then Applicant may rebuild the Premise as a non-conforming two-unit structure. In the tragic event that the Premise was damaged or otherwise destroyed Applicant simply seeks to be able to rebuild the exact same structure. Therefore, Applicant requests a variance from the following sections of Columbus City Code:

- **3332.035 – R-3 residential District:** Permit an existing two-unit dwelling in the R-3 Residential District.
- **3332.05(A)(4)** Lot width – requires 50 feet of lot width

- **3332.26(B)** Minimum side yards – requires a minimum 5 foot side yard

Hardship Statement:

1. **Columbus City Code 3332.035 – R-3 residential District:** The Premise is currently a non-conforming use because it is a two-unit residential building in an area that only permits single unit buildings. Applicant therefore requests a variance that would permit a two-family dwelling in the R-3 Residential District.

The Premise is currently used as a rental unit with both units being occupied. The entire Premise is based upon a two-unit concept and if Applicant is unable to rebuild as a two-unit structure the very purpose of the property would be frustrated.

The Premise is one of many duplexes on Hiawatha Avenue. Looking at the Premise there are at least three duplexes immediately to the left of the Premise and at least one duplex two house to the right of the Premise. The use of the Premise is very much in line with the surrounding neighborhood.

2. **Columbus City Code 3332.05(A):** Applicant is unable to extend his lot in any manner and cannot seek any other relief outside of seeking a variance to permit the lot to fall below the 50-foot threshold. Applicant cannot say with certainty but based on the mapping tool available on the Franklin County Auditor’s site it would appear every lot in the surrounding area fails to conform to this requirement.

- a. **Lot Width, 3332.05;** Vary from 50’ to 41.2

3. **Columbus City Code 3332.26(B) Minimum side yards:** the Premise is currently not in conformance with this section as the side yards measure at only 4.1 feet.

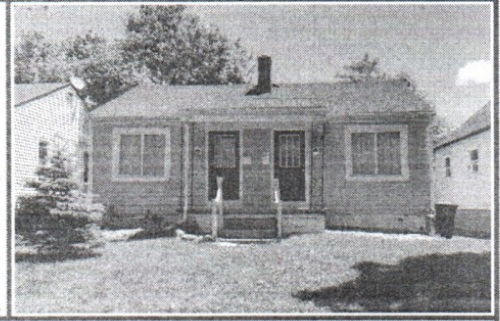
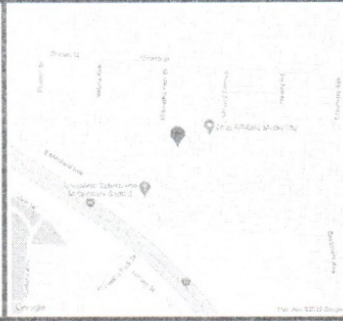
- a. **Required Minimum Side Yard** width is 5’, 3332.26; vary south side yard to 4.1’ and the north side yard to 4.9’

Potential Effect of Re-zoning: Applicant is not requesting to increase the size or height of the Premise just the ability to rebuild the exact same structure. Therefore, granting the variance request by Applicant 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city. Rather it will enable Applicant to maintain the status quo.

Sincerely,
/s/ Zachary Splain
Zachary Splain
Attorney at Law



AXXIS TITLE AGENCY, LTD.
The Title Solutions Company



PROPERTY ADDRESS: 2266-2268 HIAWATHA PARK DRIVE, COLUMBUS, OHIO 43211

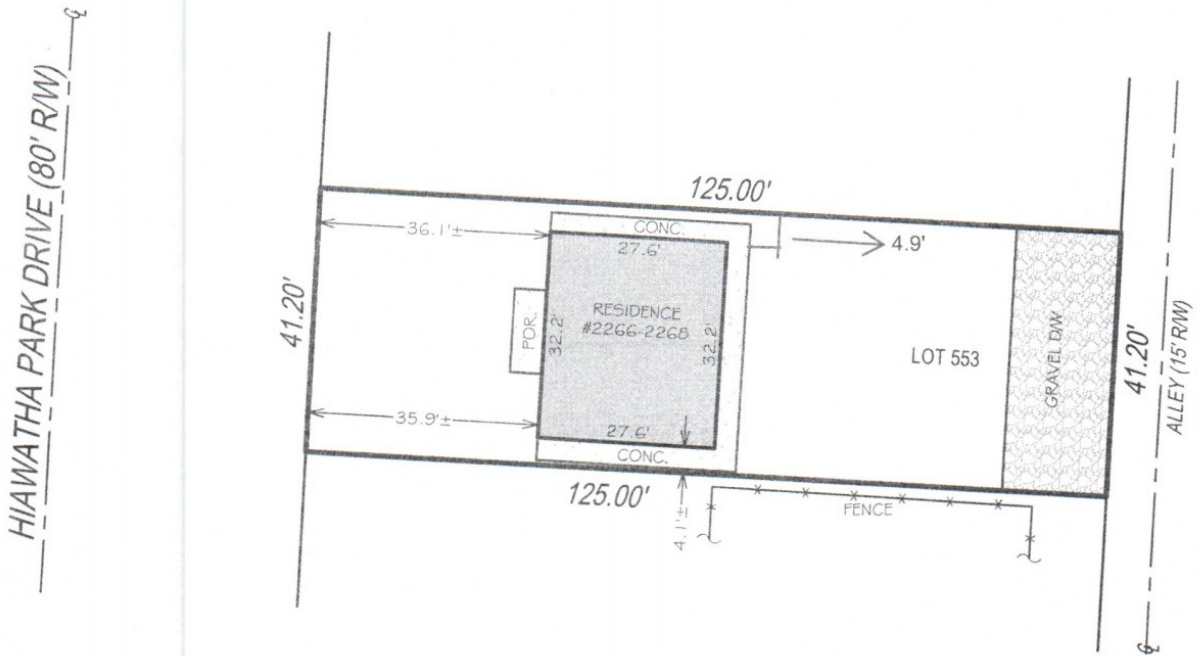
SURVEY NUMBER: 2305.5829

2305.5829
MORTGAGE LOCATION SURVEY
THIS IS NOT A BOUNDARY SURVEY
FRANKLIN COUNTY

Survey Provided for Informational Purposes Only

Applicant:

Signature:



Rep: *Zachary Splain ESQ.*

Signature: *[Handwritten Signature]*

[Handwritten Signature]



GRAPHIC SCALE (In Feet)

1 inch = 30' ft.

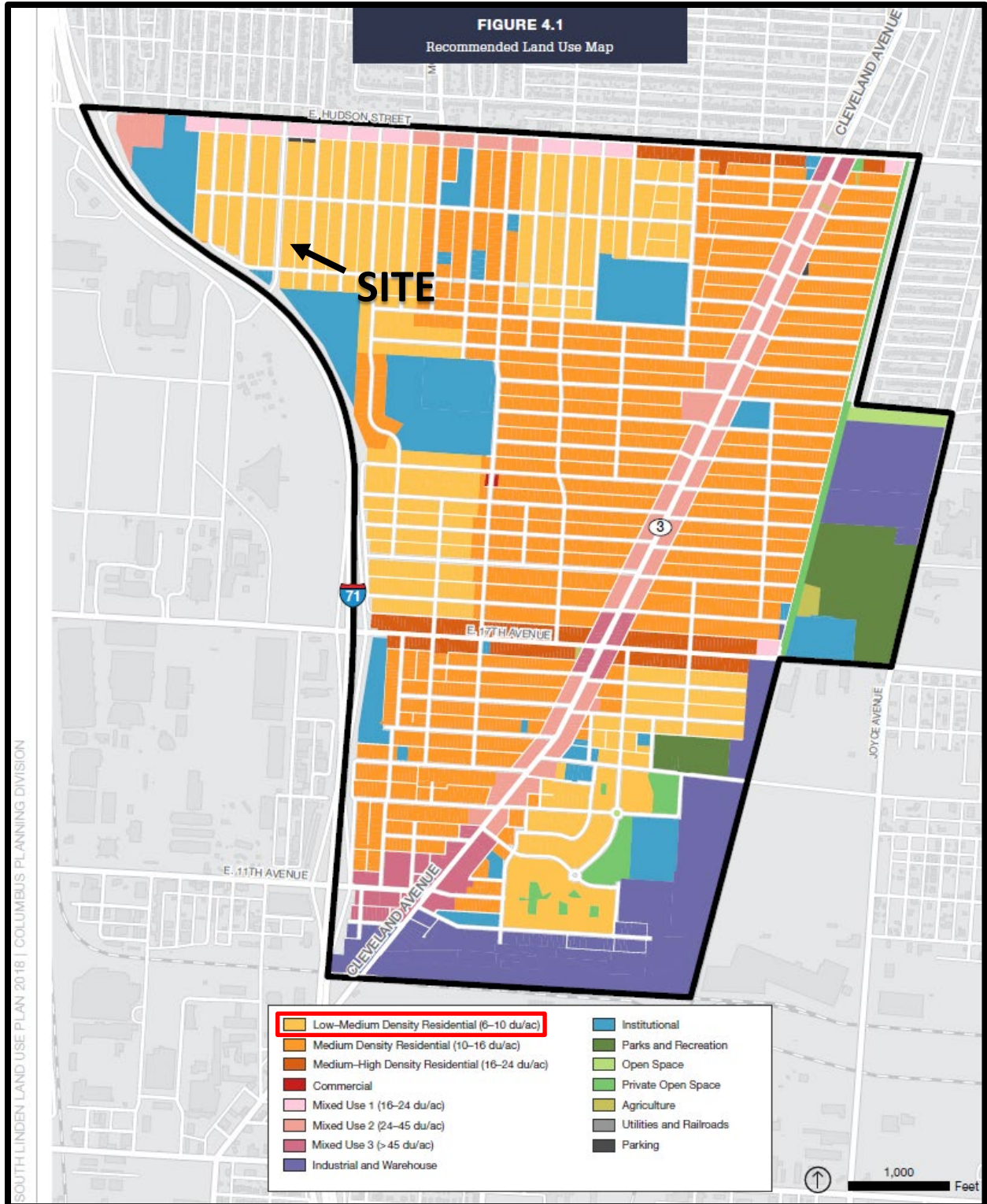
POINTS OF INTEREST:
NONE VISIBLE

THIS MORTGAGE LOCATION SURVEY IS PERFORMED IN ACCORDANCE WITH 4733-38 OF THE OHIO ADMINISTRATIVE CODE AND IS NOT A BOUNDARY





CV23-053
2266-2268 Hiawatha Park Drive
Approximately 0.12 acres



CV23-053
2266-2268 Hiawatha Park Dr.
Approximately 0.12 acres



CV23-053
2266-2268 Hiawatha Park Drive
Approximately 0.12 acres

FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP (PLEASE PRINT)

Case Number CV23 - 053
Address 2266 – 2268 Hiawatha Park Drive; Columbus, Ohio 43211
Group Name SOUTH LINDEN AREA COMMISSION
Meeting Date Tuesday, June 20, 2023
Specify Case Type

- BZA Variance
- Special Permit
- Council Variance
- Rezoning

Graphics Variance / Plan / Special Permit

Recommendation (Check only one)

- Approval
- Disapproval

LIST BASIS FOR RECOMMENDATION:

1. The property is currently a non-comforming use because it is a two-unit residential building in an area that only permits single family unit dwellings. Applicant obtained a Property Appraisal Report which stated that a variance would be required to rebuild as a two-unit structure if more than 50% of the property was destroyed. Applicant Owner is unable to refinance the property without first obtaining a variance that would enable Applicant Owner to rebuild the property as a two-unit structure in the event 50% or more of the property is damaged.
2. Proactively granting the variance in the event the property is damaged by fire, simply allows the Applicant Owner to rebuild the exact same structure and will enable the Applicant Owner to maintain status quo.
3. Granting variances does not adversely affect the surrounding neighbors.

With Six (6) Area Commissioners in attendance Quorum is Met. The South Linden Area Commission convened its regularly scheduled meeting this date. Having heard statements made, reviewed supporting documentation, and engaged meaningful discussions to clarify and satisfy concerns, Commissioner Redman moved, with a second from Commissioner T. Wade to issue its **RECOMMENDATION OF APPROVAL**. The Acting Chair opened for additional questions and hearing none, called for the Voice Vote as follows:

Voice Vote Approval: Motion Passed with **6** In FAVOR; **0** Abstention(s); **0** Opposition(s)

<input type="checkbox"/> Duckworth	<input type="checkbox"/> Redman	<input type="checkbox"/> P. Williams
<input type="checkbox"/> Ferguson	<input type="checkbox"/> K. Wade	<input type="checkbox"/> S. N. Williams
<input type="checkbox"/> Jamison	<input type="checkbox"/> T. Wade	

Vote: UNANIMOUS – Six (6) In FAVOR; Zero (0) Opposers; No Absentions

Signature of Authorized Representative: /S/ PEGGY A. WILLIAMS

Recommending Group Title: In accordance with SLAC ByLaws, SLAC Secretary was serving as Acting Chair on date of this regularly scheduled meeting

Daytime Phone Number: (614) 309-5548

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.

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DEPARTMENT OF BUILDING
AND ZONING SERVICES

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV23-053

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

Being first duly cautioned and sworn (NAME) Eric Weisgarber
of (COMPLETE ADDRESS) 1212 Summit Street Columbus Ohio 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:

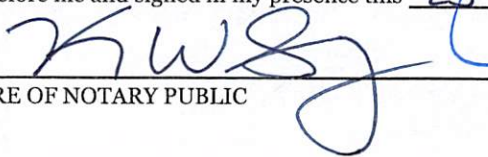
Name of Business or individual (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

<p>1. Eric Weisgarber as owner of 2266 Hiawatha LLC 1212 Summit st Columbus Ohio 43201 614 425 6780</p>	<p>2.</p>
<p>3.</p>	<p>4.</p>

Check here if listing additional parties on a separate page. ✕

SIGNATURE OF AFFIANT 

Sworn to before me and signed in my presence this 23RD day of May, in the year 2023

 Notary Seal Here
SIGNATURE OF NOTARY PUBLIC

My Commission Expires



Karl W. Snyder, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date
Sec. 147.03 R.C.

This Project Disclosure Statement expires six (6) months after date of notarization.