

761 Franklin Ave
Columbus, OH 43205

Parcel #010-012934-00
Deshler & Sinks Lot 19

Area: 5433.75 sqft

PARCEL #010-012934-00

ITEM	REQ.	PER PLAN	REQUIRED VARIANCE
# OF DETACHED DWELLINGS	1	2	ALLOW TWO DETACHED DWELLINGS ON SAME PARCEL
LOT WIDTH	50 LF	40.25 LF	ALLOW A LOT WIDTH OF 40.25 LF WITH VARIANCE OF 9.75 LF
LOT COVERAGE	50%	28%	COMPLYS; NO VARIANCE REQUESTED
FRONTING	PUBLIC	PRIVATE	ALLOW FRONT OF PRIVATE STREET OR ALLEYWAY (GUSTAVUS LN)
SIDE YARD	5 LF	3.5 LF	ALLOW A LOT WIDTH OF 40.25 LF WITH SIDEYARD VARIANCE OF 3.5 LF
REAR YARD	25%	NONE	ALLOW NO REAR YARD FOR REAR DWELLING
# PARKING SPACES	4	1	ALLOW VARIANCE OF ONE DEDICATED PARKING SPACE OFF STREET

Nick Kinney

6/22/2022

CV22-021 Final Received 6/22/2022



MK DESIGN LLC
118 E MAIN ST
COLUMBUS, OH 43205
NK@MINDSON.CO
614.595.461

DRAWING REVISION DATE
MARCH 17, 2022

PREPARED FOR:
CITY OF COLUMBUS
NEAR EAST AREA COMMISSION

NONNEY RESIDENCE
761 FRANKLIN AVENUE
COLUMBUS, OH 43205

761 Franklin Ave
Council Variance Application

DESIGNED BY	NK
CHECKED BY	
DATE	
761 Franklin	
614.595.461	
A-1	

761 Franklin Avenue, Columbus Ohio 43205
DIMENSIONED SITE PLAN - CVA
SCALE: 1"=20'



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 statement of hardship document.

Signature of Applicant _____

Nick Kinney

Digitally signed by
Nick Kinney
DN: C=US,
E=nk@nkdsn.com,
O=NK Design LLC,
CN=Nick Kinney
Date: 2022.03.03
15:53:33-05'00'

Date 03/23/2022

**Statement of Hardship
Council Variance Application
03/23/2022**

To Whom it may concern,

I, Nick Kinney, on behalf of wife Tiffany Kinney and I, owner's of 761 and 763 Franklin Avenue, Columbus Ohio 43205, am seeking a council variance for an accessory dwelling unit on our property at 761 Franklin Avenue. We are seeking a variance to the following building codes:

3332.035 – To permit 2 detached dwellings on the same parcel (R3 zoning)

3332.05(A)(4) – Area district lot requires no less than 50 width

3332.19 – To permit the rear dwelling not to front a public street

3332.26 – Minimum side yard requires a 5 foot setback on each side

3332.27 – Rear yard requirement is 25% (no rear yard for the rear dwelling)

3312.49 – Minimum number of parking spaces required

We are seeking approval for the following variance issues: To allow two detached residences on the same parcel. To allow for the lot width of 40.25' instead of the required 50'. To allow the rear dwelling to front Gustavus Ln or remain private. To allow the rear dwelling side yard of 3.5' instead of the required 5'. To allow for no rear yard for the rear dwelling. To allow for the dedication of one private parking space instead of the required two.

The dwelling unit in question was existing on our property when we purchased it in 2019. Since purchase, we have added a mini-split HVAC unit and an electrical panel / circuit breaker, all of which was done to code and has been documented in our previous submissions to the city. The dwelling unit is the result of a three-car garage conversion into a one-car garage with attached living space. The attached one-car garage is used as the primary parking space for the dwelling which has only one occupant. My wife Tiffany and I utilize street parking as the single car garage parking space is too small for my work truck with roof rack and is inconvenient for my wife to park in with our newborn child and car seat. Adding density to the neighborhood via the permitted use of this accessory dwelling unit on our property does not impair but serves to improve the overall public health, safety, comfort, and diversity of the inhabitants of our neighborhood. Many similar conditions where whole single-family homes have been subdivided into multi-family residential units, all of which utilize street parking currently exist up and down our street and throughout our neighborhood, many of which have made use of detached garage conversions, referred to as Carriage Houses. Furthermore, there have been numerous infill projects of new construction which have been granted variances similar to what we are seeking. Our property has a history of being permitted as a multi-family dwelling, our parcel shows address for both 761 and 763 Franklin Avenue and our house still has two gas and electrical meters because of this history without the added parking capacity. Lastly, we are unable to erect a new car port or parking pad in the rear of our property due to a utility pole which is positioned directly behind our rear gate and lack of required side lot width. Seeing as our property and our neighborhood has a rich history of densification and multi family housing conversions, we are hoping that this request is amenable to the council and that you may see fit to grant us these variances. Thank you in advance for your time and consideration.

Sincerely,
Nick and Tiffany Kinney



CV22-021
761 Franklin Ave.
Approximately 0.12 acres



CV22-021
761 Franklin Ave.
Approximately 0.12 acres

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

Case Number CV22-021

Address 761 Franklin Avenue

Group Name Near East Area Commission

Meeting Date 6/9/2022

- 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:

Vote _____

Signature of Authorized Representative _____

Recommending Group Title _____

Daytime Phone Number _____

4/2/0
[Signature]
Chair
614-403-2225

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.

Council Variance Application

DEPARTMENT OF BUILDING AND ZONING SERVICES

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

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV22-021

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) Nicholas Kinney of (COMPLETE ADDRESS) 761 Franklin Avenue, Columbus Ohio, 43205

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)

Table with 2 columns and 2 rows. Row 1: 1. Nicholas Edward Kinney, 614.595.4667, 761 Franklin Ave, Columbus Ohio, 43205; 2. Tiffany Kinney, 480.415.6343, 761 Franklin Avenue, Columbus Ohio, 43205. Row 2: 3., 4.

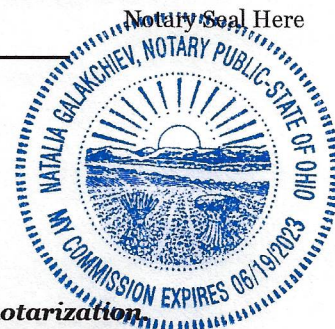
Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 24 day of March, in the year 2022

SIGNATURE OF NOTARY PUBLIC

My Commission Expires



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