

**COUNCIL VARIANCE APPLICATION**

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

OFFICE USE ONLY

Application Number: CV16 054 Date Received: 8-30-16  
Application Accepted by: TD Fee: \$ 320  
Comments: Assigned to Tim Dietrich; 614-645-6665; tedietrich@columbus.gov

**LOCATION AND ZONING REQUEST:**

Certified Address (for zoning purposes only): 1607 Elmwood Avenue, Columbus, Ohio Zip: 43212

Is this application being annexed into the City of Columbus? Select one:  YES  NO

*If the site is currently pending annexation, Applicant must show documentation of County Commissioner's adoption of the annexation petition.*

Parcel Number for Certified Address: 010-062106

Check here if listing additional parcel numbers on a separate page.

Current Zoning District(s): R-4, Residential

Area Commission or Civic Association: 5th by Northwest Area Commission

Proposed Use or reason for Council Variance request:

To permit the construction of a two-family dwelling on a parcel with an existing single-family dwelling.

Acreage: 0.15 +/-

**APPLICANT:**

Name: Eric Cliffler c/o Donald Plank, Plank Law Firm Phone Number: 614-947-8600 Ext.: ----

Address: 145 East Rich Street, 3rd Floor City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

**PROPERTY OWNER(S)**  Check here if listing additional property owners on a separate page

Name: Eric J. and Carrie K. Cliffler, c/o Donald Plank Phone Number: 614-947-8600 Ext.: ----

Address: Plank Law Firm, 145 East Rich Street, 3rd Floor City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

**ATTORNEY / AGENT** (Check one if applicable):  Attorney  Agent

Name: Donald Plank, Plank Law Firm Phone Number: 614-947-8600 Ext.: ----

Address: 145 East Rich Street, 3rd Floor City/State: Columbus, Ohio Zip: 43215

Email Address: dplank@planklaw.com Fax Number: 614-228-1790

**SIGNATURES** (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Donald Plank, attorney

PROPERTY OWNER SIGNATURE Donald Plank, attorney

**ATTORNEY / AGENT SIGNATURE** Donald Plank

*My signature attests to the fact that the attached application package is complete and accurate to the best of my knowledge. I understand that the City staff review of this application is dependent upon the accuracy of the information provided and that any inaccurate or inadequate information provided by me/my firm/etc. may delay the review of this application.*

**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



## Exhibit B

### Statement of Hardship

#### CV16- 054 , 1607 Elmwood Avenue

The site is zoned R-4, Residential and is presently developed with a single family dwelling. Lot area is 6,390 SF. The site is adjacent to the W Fifth Avenue commercial corridor. Applicant proposes to build a detached two (2) family dwelling at the rear of the lot, behind the existing single family dwelling. There have been similar approved development proposals in the Fifth by Northwest Area Commission area. The area is characterized by 1 – 4 family dwellings and larger multi-family buildings in the R-4. The applicant is requesting a council variance to provide for appropriate residential development of the subject property that is consistent with other residential uses in the neighborhood.

A hardship exists in that three dwellings are appropriate and consistent with the mixed residential character and density of this neighborhood. The grant of these requested variances will not adversely affect the surrounding property or surrounding neighborhood, will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus. The applicant requests the grant of these variances necessary for this appropriate development of the property.

Applicant requests the following variances:

- 1). Section 3332.039, R-4, Residential District, permits 3 units in one building, while the applicant proposes a new 2-unit dwelling in addition to an existing single-family dwelling.
- 2). Section 3312.27(3) Parking Setback Line, the applicant proposes a stacked parking space for the existing single-family unit that encroaches into the parking setback.
- 3). Section 3332.05, Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-4, Residential District, while the applicant proposes to construct a 2-unit dwelling on the exiting platted 45-foot parcel that has an existing single-unit dwelling.
- 4). Section 3332.15, R-4 area district requirements, requires that a dwelling containing three (3) or four (4) dwelling units shall be situated on a lot with an area which equals or exceeds 2,500 square feet of lot area per dwelling unit (totaling 7500 square feet), while applicant proposes a two-unit dwelling and an existing single-family dwelling on a 6390± square foot lot.

5). Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the lot has frontage, but the proposed 2-unit dwelling doesn't directly front on a public street.

6). Section 3332.26 Minimum Side Yard, the applicant would like to conform the existing side yard on the north side of the existing single-family structure which has a side yard of 4 feet, instead of the current required minimum of 5 feet.

7). Section 3332.27 Rear Yard, a rear yard is required to be 25% of the property, while the applicant is proposing no rear yard for the new 2-unit dwelling.

08-29-16

C016-054

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director  
757 Carolyn Avenue, Columbus, Ohio 43224  
Phone: 614-645-7433 • www.bzs.columbus.gov

**DEPARTMENT OF BUILDING  
AND ZONING SERVICES**

**AFFIDAVIT** (See instruction sheet)

Application Number: C016-054

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Donald Plank, Plank Law Firm  
of (1) MAILING ADDRESS 145 East Rich Street, Columbus, Ohio 43215

deposes and states that (he/she) is the applicant, agent, or duly authorized attorney for same and the following is a list of the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per ADDRESS CARD FOR PROPERTY 1607 Elmwood Avenue, Columbus, Ohio 43212

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 8/30/16

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) Eric J. and Carrie K. Cliffl  
c/o Donald Plank, Plank Law Firm  
145 E Rich Street, 3rd Floor  
Columbus, Ohio 43215

APPLICANT'S NAME AND PHONE #  
(same as listed on front application)

Eric Cliffl  
c/o Donald Plank (614) 947-8600

AREA COMMISSION OR CIVIC GROUP  
AREA COMMISSION ZONING CHAIR  
OR CONTACT PERSON AND ADDRESS

(5) 5th by Northwest Area Commission  
c/o Bruce McKibben c/o Rebecca Obester  
1094 Lincoln Road 1601 West 5th Ave, #131  
Columbus, Ohio 43212 Columbus, Ohio 43212

and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for which the application was filed, and all of the owners of any property within 125 feet of the applicant's or owner's property in the event the applicant or the property owner owns the property contiguous to the subject property (7)

(7) Check here if listing additional property owners on a separate page.

(8) SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 30th day of August, in the year 2016

Rev Stacey L. Danza  
(8) SIGNATURE OF NOTARY PUBLIC

11-5-2018  
My Commission Expires

Notary Seal Here

*This Affidavit expires six (6) months after the 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 checks payable to the Columbus City Treasurer  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018

**EXHIBIT A, Public Notice**  
**1607 Elmwood Avenue**  
**CV16-OSM**  
**August 23, 2016**

**APPLICANT**

Eric Cliffl  
c/o Donald Plank  
Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**PROPERTY OWNER**

Eric J. and Carrie K. Cliffl  
c/o Donald Plank  
Plank law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**ATTORNEY**

Donald Plank, Plank Law Firm  
145 East Rich Street, FL 3  
Columbus, OH 43215

**COMMUNITY GROUP**

5<sup>th</sup> by Northwest Area Commission  
c/o Bruce McKibben, Zoning Chair  
1094 Lincoln Road  
Columbus, Ohio 43212

5<sup>th</sup> by Northwest Area Commission  
c/o Rebecca Obester, Chair Person  
1601 West 5<sup>th</sup> Avenue, #131  
Columbus, Ohio 43212

**PROPERTY OWNERS WITHIN 125 FEET**

William M. Miller  
1929 Strathshire Hall Lane  
Powell, Ohio 43065-7611

Matthew H Isaly & Richard Isaly, III  
1618 Westwood Avenue  
Columbus, Ohio 43212

Leigh E Briggs  
1612 Westwood Avenue  
Columbus, Ohio 43212

Kimberly A Garforth  
1608 Westwood Avenue  
Columbus, Ohio 43212

1724 West Fifth Avenue, LLC  
1480 Dublin Road  
Columbus, Ohio 43215

D&J Investments  
c/o Dale E Armstrong  
1225 Dublin Road  
Columbus, Ohio 43215-1024

Dina M Giddens, TR  
5210 Chevy Chase Court  
Columbus, Ohio 43220-2310

Marq LLC  
2705 Donna Drive  
Columbus, Ohio 43220-4506

Paul Cragg  
4080 Oxford Drive  
Columbus, Ohio 43220-4551

1625 Elmwood Avenue, LLC  
2001 Cardigan Avenue  
Columbus, Ohio 43212-2719

Kelly L Trent & Lora L Oberlander  
2584 Edington Road  
Columbus, Ohio 43221-3050

**1607 Elmwood Avenue**  
**CV16-\_\_\_\_\_**  
**Exhibit A, Public Notice**  
**Page 1 of 2, 08/23/2016**

CA Davis Investments, LLC  
9822 New California Drive  
Plain City, Ohio 43212

Cragstone Enterprises, Ltd.  
4080 Oxford Drive  
Upper Arlington, Ohio 43220

Abbey Joe Scholl  
1606 Elmwood Avenue  
Columbus, Ohio 43212

Charles R. & Margaret R. Hull, CO-TRS  
3065 Derby Road  
Columbus, Ohio 43221-2607

1672 West Fifth Avenue, LLC  
1851 Collingswood Road  
Columbus, Ohio 43221

**ALSO NOTIFY**

David B. Perry  
David Perry Company, Inc.  
145 E Rich Street, FL 3  
Columbus, OH 43215

Eric J. and Carrie K. Cliffler  
1834 Elmwood Avenue  
Columbus, Ohio 43212

1607 Elmwood Avenue  
CV16- 054  
Exhibit A, Public Notice  
Page 2 of 2, 08/23/2016

**COUNCIL VARIANCE APPLICATION**

Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

Phone: 614-645-7433 • www.bzs.columbus.gov

**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.

APPLICATION # CU16-054

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank, Plank Law Firm  
of (COMPLETE ADDRESS) 145 E Rich Street, 3rd Floor, Columbus, Ohio 43215

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. Eric J. and Carrie K. Cliffel<br>1834 Elmwood Avenue<br>Columbus, Ohio 43212<br># of Columbus Based Employees: 0<br>Contact: Eric J. Cliffel (614) 571-5980 | 2. _____ |
| 3. _____   | 4. _____ |

Check here if listing additional property owners on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 30th day of August, in the year 2016

Stacey L. Danza  
SIGNATURE OF NOTARY PUBLIC

11-5-2018  
My Commission Expires

Notary Seal Here

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Stacey L. Danza  
Notary Public, State of Ohio  
My Commission Expires 11-05-2018



# City of Columbus Zoning Plat



## ZONING NUMBER

The Zoning Number Contained on This Form  
is Herein Certified to Obtain Zoning, Rezoning,  
and Variances, and is NOT to be Used for  
the Securing of Building & Utility Permits

Parcel ID: 010062106

Zoning Number: 1607

Street Name: ELMWOOD AVE

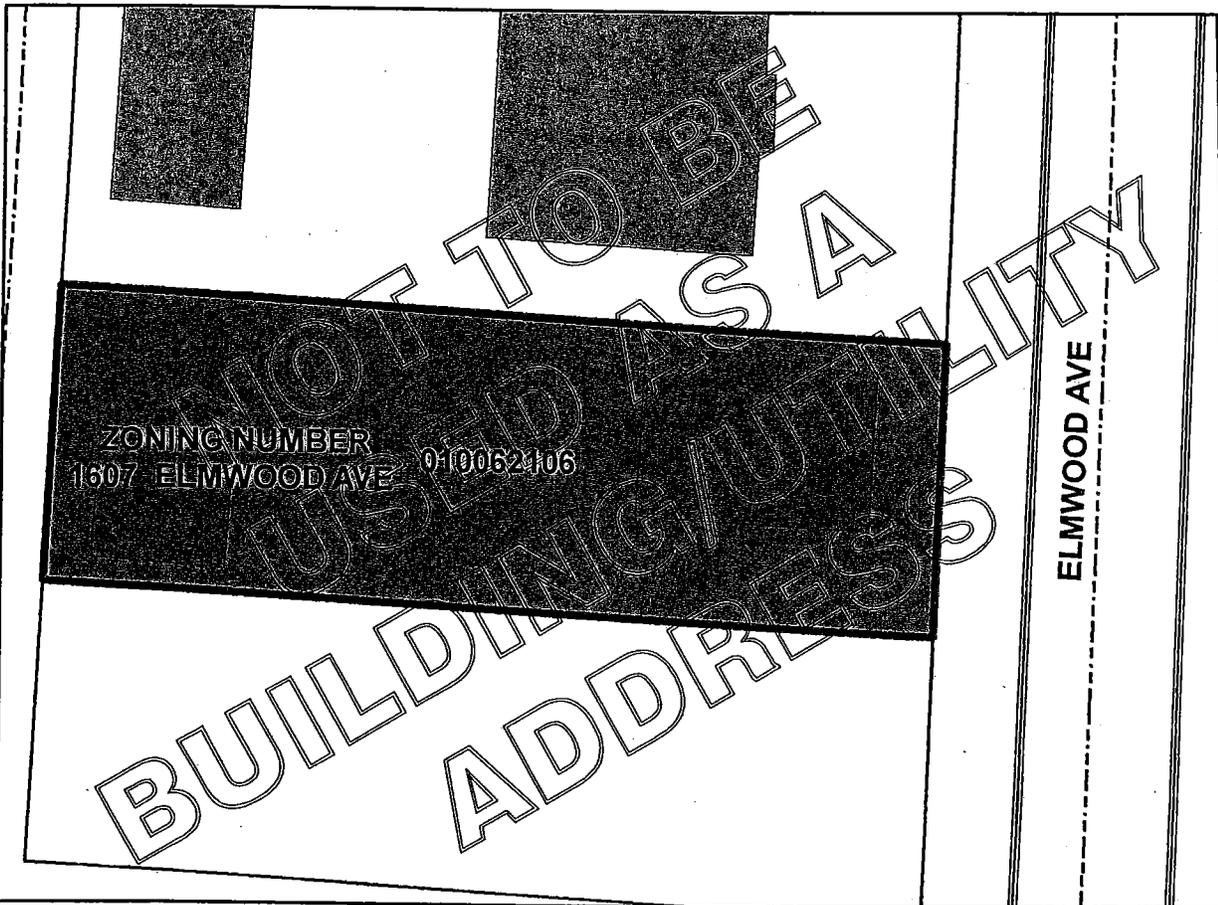
Lot Number: N/A

Subdivision: N/A

Requested By: DAVE PERRY COMPANY, INC (DAVE PERRY)

Issued By: *Adyana Amarian*

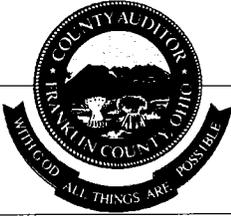
Date: 8/23/2016



FRANK D. WILLIAMS, ADMINISTRATOR  
DIVISION OF INFRASTRUCTURE MANAGEMENT  
COLUMBUS, OHIO

SCALE: 1 inch = 30 feet

GIS FILE NUMBER: 72115



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S

DATE: 8/26/16



Disclaimer

Scale = 100



This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on this map. The county and the mapping companies assume no legal responsibilities for the information contained on this map. Please notify the Franklin County GIS Division of any discrepancies.

Real Estate / GIS Department

C016-054

**CV16-054**

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**1607 Elmwood Avenue**

**Leal Description**

Situated in the County of Franklin, State of Ohio and City of Columbus:

Being the North half of Lot Number One Hundred thirty-one (N1/2 of Lot No. 131) and all of Lot Number One Hundred Thirty-Two (132) in Ricketts and Millers' Summit Plain addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 344, Recorder's Office, Franklin County, Ohio and being 45 feet front by 142 feet length.

Tax Parcel No.: 010-062106

Property Address: 1607 Elmwood Avenue, Columbus, Ohio 43212

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ALLEY (16')

NEW CONCRETE DRIVEWAY  
(1 OFF-STREET PARKING FOR  
EACH UNIT)

EXG DETACHED GARAGE  
TO BE REMOVED

1-CAR GARAGE (1 OFF-  
STREET PARKING FOR  
EACH UNIT)

PROPOSED 2-STORY DUPLEX

1607 ELMWOOD AVE  
COLUMBUS, OH 43212  
PID: 010-062106-00  
(LOT-132)

PROPERTY LINE, TYP.

EXG PATIO TO BE REMOVED

NEW STOOP FROM EXG  
HOUSE TO GRADE

EXG CONCRETE SIDEWALK  
TO REMAIN

NEW ASPHALT DRIVEWAY  
(2) STACKED PARKING  
SPOTS)

EXG CONCRETE  
SIDEWALK TO REMAIN

EXG GRAVEL DRIVEWAY  
TO BE REMOVED

**TOTAL LOT COVERAGE AFTER ADDING  
DUPLEX AND NEW DRIVEWAYS**

LOT COVERAGE CALCULATIONS:  
PERMITTED BUILDING LOT COVERAGE= 50%  
LOT SIZE = 6,390 S.F. x .50 = 3,195 S.F. PERMITTED COVERAGE  
- EXISTING HOUSE W/ NEW STOOP: 891.6 S.F.  
- PROPOSED DUPLEX: 1,744 S.F.  
**TOTAL BUILDING LOT COVERAGE = 2,635.6 S.F. = COMPLIES**

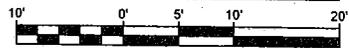
**NEW REAR YARD CALCULATIONS FOR  
EXISTING HOUSE @ 1607 ELMWOOD AVE**

REAR YARD CALCULATIONS:  
TOTAL LOT SQUARE FOOTAGE = 3,030 S.F.  
TOTAL REAR YARD SQUARE FOOTAGE AFTER ADDING  
DUPLEX AND NEW REAR STOOP = 894.5 S.F.  
894.5 S.F. / 3,030 S.F. = 0.3118 OR 31.18%  
REAR YARD > 25.0% REAR YARD REQUIREMENT = COMPLIES



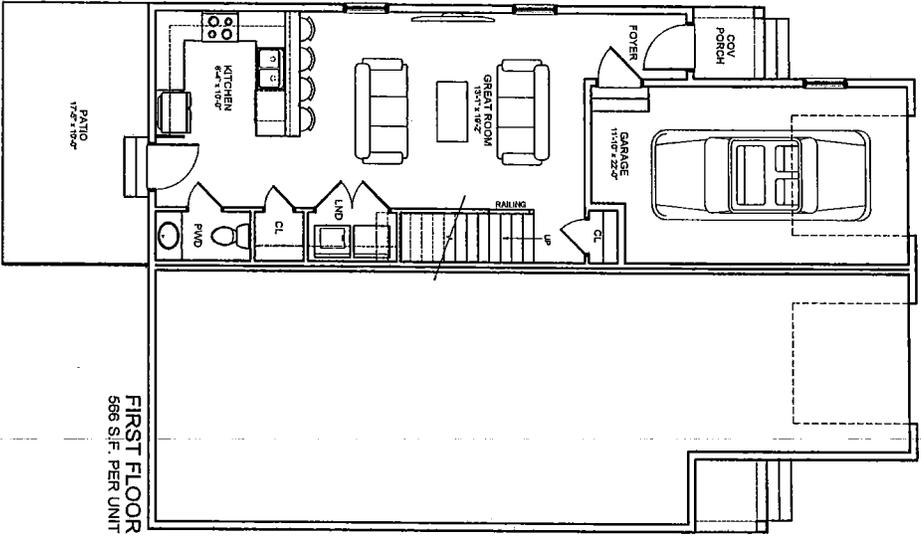
**SITE PLAN**

1" = 10'-0"

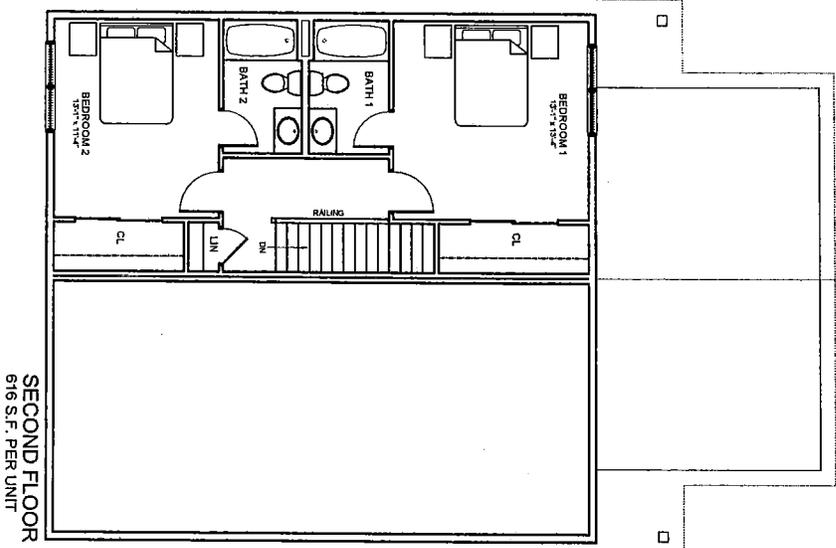


ELMWOOD AVE

CUL6-054

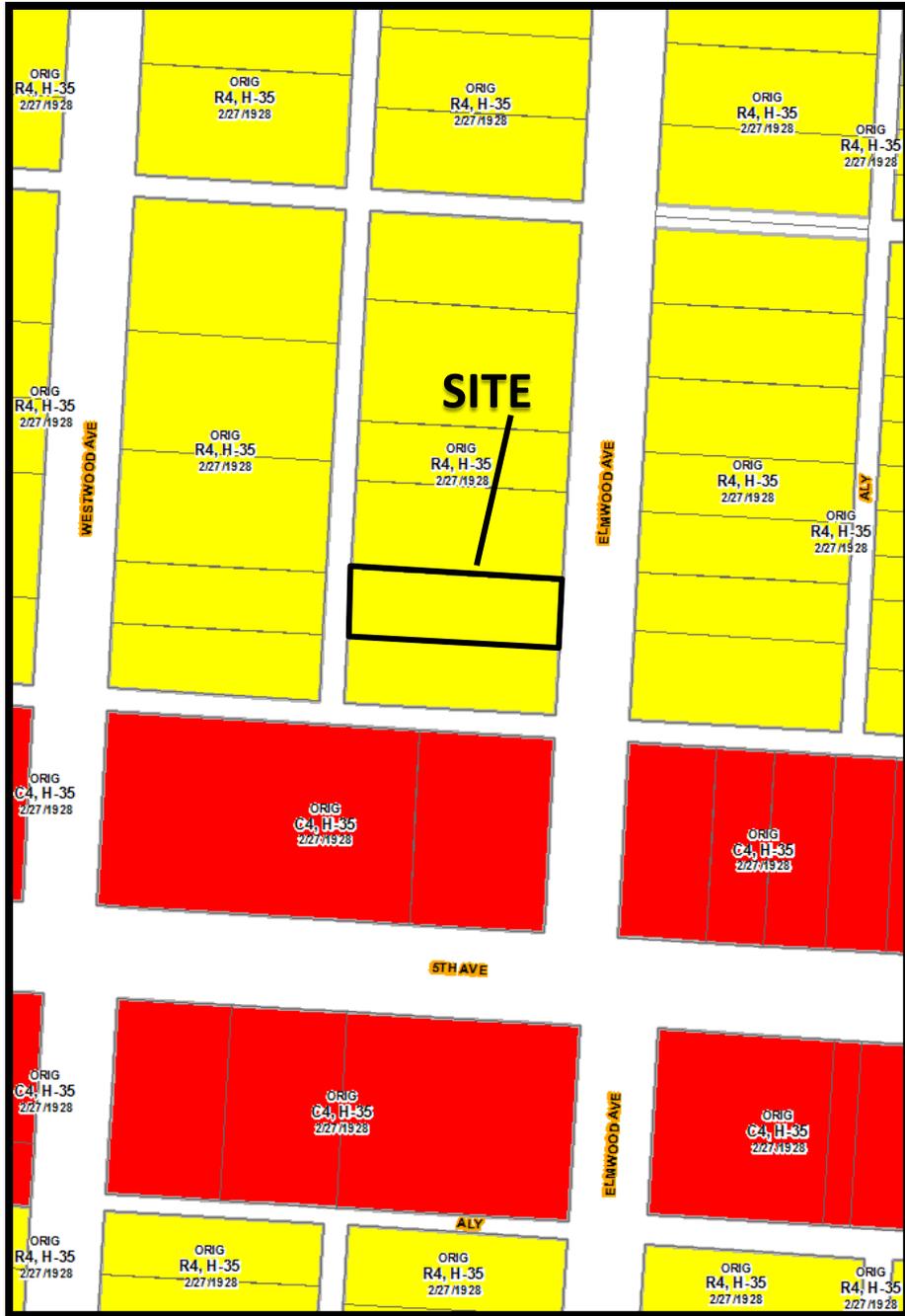


FIRST FLOOR  
566 S.F. PER UNIT



SECOND FLOOR  
616 S.F. PER UNIT

CUB-054

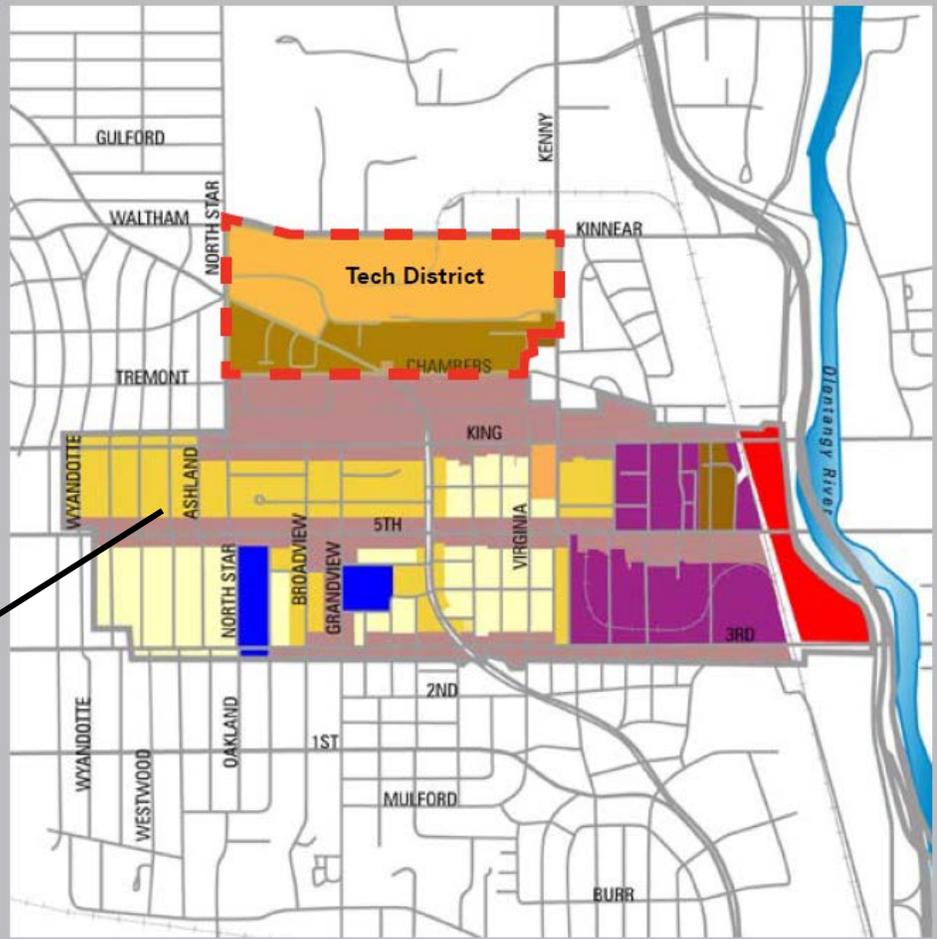


CV16-054  
 1607 Elmwood Avenue  
 Approximately 0.15 acres

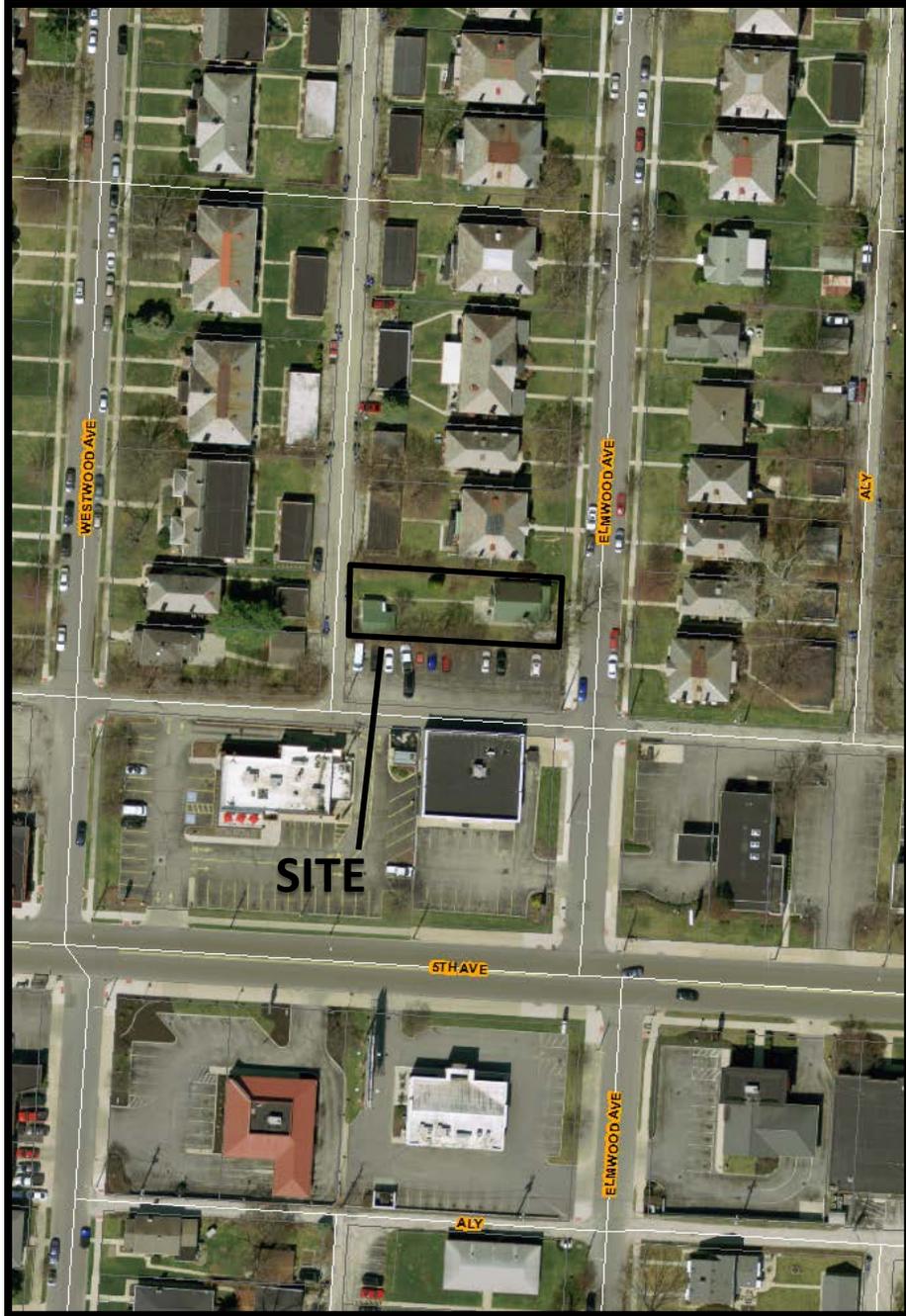
**Figure 7  
Land Use Plan**

- Commercial (Community)
- Industrial (Light)
- Institutional
- Mixed Use
- Office
- Multifamily
- Medium Density Mixed Residential
- Single/Two Family

**SITE**



CV16-054  
1607 Elmwood Avenue  
Approximately 0.15 acres



CV16-054  
1607 Elmwood Avenue  
Approximately 0.15 acres