

## 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

OFFICE USE ONLY

Application Number: CV17-017 Date Received: 3/28/17  
Application Accepted by: MM + KP Fee: \$1600  
Assigned Planner: Michael Maret; 614-645-2749; mjmaret@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 26 W HENDERSON RD Zip: 43214

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: 010-086696-00

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

Current Zoning District(s): R-3 WITH CV90-1081

Area Commission or Civic Association: CLINTONVILLE AREA COMMISSION

Proposed Use or reason for Council Variance request:

TO EXPAND OFFICE USE RIGHTS IN EXISTING STRUCTURE

Acreage: 0.2033 ACRES

#### APPLICANT:

Name: Connie J. Klema ATTORNEY Phone Number: 614 374 8488 Ext.: N/A

Address: P.O. Box 991 City/State: PATASKALA OH Zip: 43062

Email Address: cklemaattorney@gmail.com Fax Number: N/A

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

Name: CHARLES L. ARIDA II Phone Number: 614 330 9392 Ext.: N/A

Address: 26 W HENDERSON RD City/State: Columbus OH Zip: 43214

Email Address: CHUCKARIDA@gmail.com Fax Number: N/A

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

Name: Connie J. Klema ATTORNEY Phone Number: 614 374 8488 Ext.: N/A

Address: P.O. Box 991 City/State: PATASKALA OH Zip: 43062

Email Address: cklemaattorney@gmail.com Fax Number: N/A

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

APPLICANT SIGNATURE Connie J. Klema ATTORNEY

PROPERTY OWNER SIGNATURE Connie J. Klema, ATTORNEY on behalf of Charles L. Arida II

ATTORNEY / AGENT SIGNATURE Connie J. Klema

*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

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### 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

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 discovered after your application is approved, a new application 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):

— SEE ATTACHED —

Signature of Applicant

*Comm. J. Klane attorney*

Date

*3/27/17*

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*CV17-017*



## **26 W. HENDERSON ROAD**

### **STATEMENT OF HARDSHIP**

26 W. Henderson Road is a two story house with a one story structure/addition that has been used as an office since 1984. The house/addition total approximately 3,953 square feet.

#### **HISTORY:**

In 1984, the then-owner received variances to permit 3700 square feet, being all but 253 square feet of the house/addition, for medical offices.

In 1991, the then-owner received variances that repealed the 1984 approval and replaced it with variances to permit 1600 square feet of the first floor of the house/addition to be used for specific professional offices and permitting the remaining square footage of the house to be used as a single dwelling. In addition, the variances required the owner(s)/resident(s) of the single dwelling to be the individual(s) engaged in the office use.

#### **CURRENT REQUEST:**

The current owner requests to repeal the 1991 variance approval and replace it with the following:

The owner requests that the house/addition, being approximately 3,953 square feet, be permitted to be used as a single dwelling or for specified C-2 Office uses delineated on the attached Exhibit A, thereby permitting all or a portion of the house/addition to be used for office and/or a single dwelling.

Further, the owner requests that if a portion of the house/addition is used as a single dwelling, the owners/resident(s) of the single family need not be the individual(s) engaged in the office use.

#### **STATEMENT:**

26 W. Henderson Road is a house with an office addition that fronts on Henderson Road. The house/addition is adjacent to an alley and gas station on its east side and is one parcel west of N. High Street. Almost the entire house/addition was adapted to office use in 1984. Since 1984, the house has been actively used as an office and a single dwelling.

The owner wishes to permit all or a portion of the house to be used for a single dwelling and/or specific office uses. The house/addition has accommodated this mix of uses for 33 years. The location of this property provides public access and public and private parking. Restrictions to the alteration of the external structure for office use, including limits on

graphics, and storage, serves to prevent an adverse affect on the surrounding neighborhood. The requested variances will alleviate the hardship that arises when the office or resident user needs to expand or decrease its square footage and when the owner/resident is employed outside the home.

**26 W. HENDERSON ROAD**

**LIST OF VARIANCES**

1. **3332.035 R-3 RESIDENTIAL DISTRICT:** A variance to permit specific office uses permitted in 3353.03 Office District C-2, as delineated in the attached Exhibit "A" and to permit use as a single-family dwelling in all or a portion of the existing house/addition.
2. **3312.49 MINIMUM NUMBER OF PARKING SPACES:** To permit the number of on-site parking spaces to be six (6).

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV17-017

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Connie J. Klema Attorney  
of (1) MAILING ADDRESS P.O. Box 991 PATASKALA OH 43062

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 26 W HENDERSON Rd Columbus

for which application for a rezoning, variance, special permit or graphics plan was filed with the Department of Building and Zoning Services, on (3) 3/28/17

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) CHARLES L. ARIDA II  
26 W HENDERSON Rd  
COLUMBUS, OH 43214

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

Connie J. KLEMA ATTORNEY  
614 374 8488

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

(5) CLINTONVILLE AREA COMMISSION  
STEPHEN HAROWICK  
94 CLINTON HEIGHTS AVE.  
COLUMBUS OH 43202

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)

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

(8) SIGNATURE OF AFFIANT

Connie J. Klema

Sworn to before me and signed in my presence this 28<sup>th</sup> day of March, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

2-29-20  
My Commission Expires

Notary Seal Here



MARCY D. GREEN  
Notary Public, State of Ohio  
My Commission Expires  
02-29-2020

This Affidavit expires six (6) months after the date of notarization.

Connie J. Klema Attorney  
P.O. Box 991  
Pataskala, Ohio 43062

Clintonville Area Commission  
c/o Stephen Hardwick, Chair  
94 Clinton Heights Ave.  
Columbus, Ohio 43202

Charles L. Arida II  
26 W Henderson Road  
Columbus, Ohio 43214

Jacob & Memory Risinger  
Or current occupant  
45 W Schreyer  
Columbus, Ohio 43214

Thomas & Jayne Simmons  
Or current occupant  
33 W Schreyer PL  
Columbus, Ohio 43214

Sue Lyons  
Or current occupant  
25 W Schreyer Pl  
Columbus, Ohio 43214

M Property Holdings LLC  
199 W Campus View BLVD  
Columbus, Ohio 43235-1453

Jay & Maureen Blatnik  
Or current occupant  
4409 N High St.  
Columbus, Ohio 43214-2634

High & Henderson Duchess LLC  
447 James PKWY  
Heath, Ohio 43056-1098

Maple Grove United Methodist  
Church  
7 W Henderson Rd  
Columbus, Ohio 43214-2627

John & Kelly Hellmuth  
Or current occupant  
49 W Henderson Rd  
Columbus, Ohio 43214

Aaron Gettys &  
Clair Farris  
Or current occupant  
52 W Henderson Rd  
Columbus, Ohio 43214

Michael Herschler &  
William Gregory  
Or current occupant  
40 W Henderson Rd  
Columbus, Ohio 43214-2628

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Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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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.

APPLICATION # CV17-017

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Connie J. Klema Attorney

of (COMPLETE ADDRESS) P.O. Box 991 PATASKALA OH 43062

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. <u>CHARLES L. ARIDA II</u> <u>26 W Henderson Rd</u> <u>Columbus OH 43214</u>	2.
3.	4.

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

SIGNATURE OF AFFIANT

Connie J. Klema

Sworn to before me and signed in my presence this 28<sup>th</sup> day of March, in the year 2017

Notary Seal Here



MARCY D. GREEN  
Notary Public, State of Ohio  
My Commission Expires  
02-29-2020

2-29-20  
My Commission Expires

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# 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: 010086696

Zoning Number: 26

Street Name: W HENDERSON RD

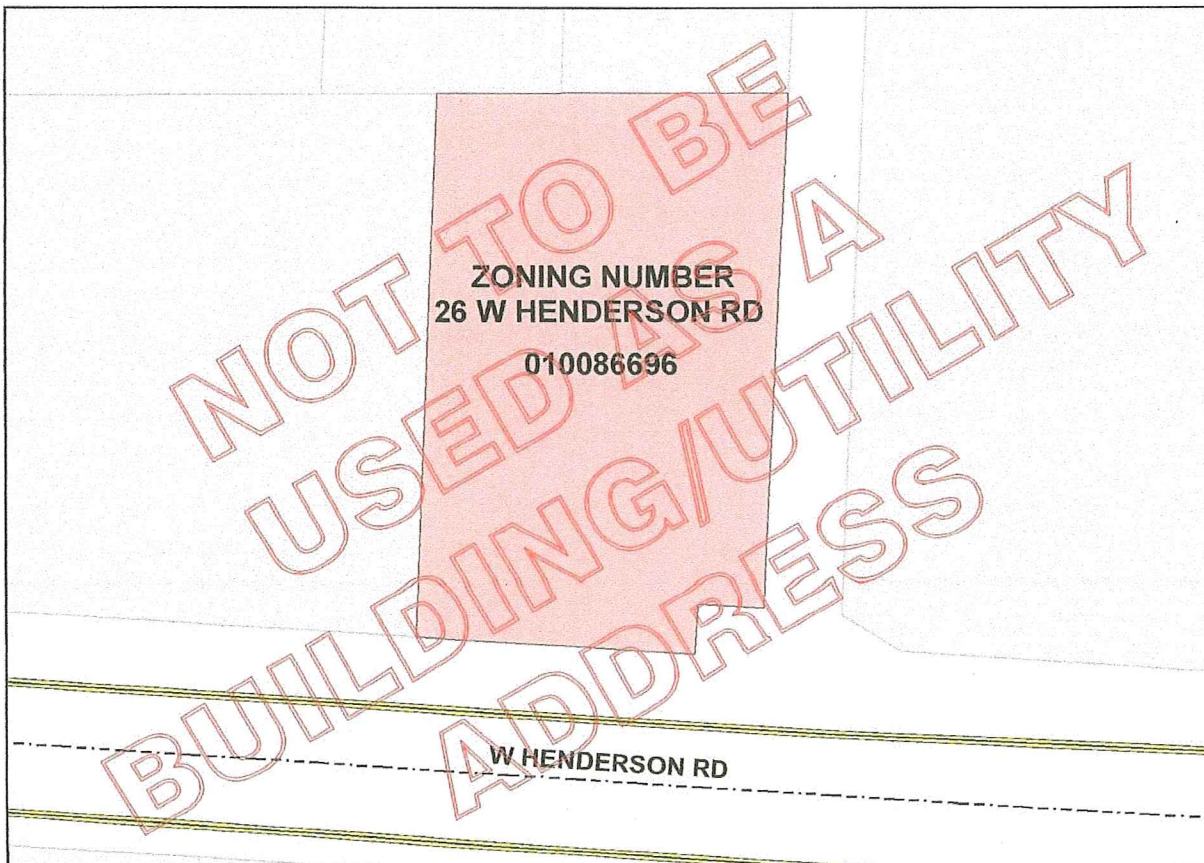
Lot Number: 77-78

Subdivision: ROSEMARY

Requested By: CONNIE KLEMA (ATTORNEY)

Issued By: *Adyana Amarian*

Date: 3/14/2017



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

SCALE: 1 inch = 40 feet

GIS FILE NUMBER: 86836

*CV17-017*

**26 W. HENDERSON ROAD**

**LEGAL DESCRIPTION**

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

Being Lot Number Seventy-Seven (77) and the East one-half (1/2) of Lot Number Seventy-Eight (78) of ROSEMARY ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 15, Page 23, Recorder's Office, Franklin County, Ohio, together with that portion of the vacated alley in Ordinance No. 222-29.

LESS AND EXCEPT Parcel 80WD:

Situated in the State of Ohio, County of Franklin, City of Columbus and being part of Lot 77 of the Rosemary Addition in Plat Book 15, page 23, as recorded in the Franklin County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the left side of the centerline of survey of Henderson Road made by the City of Columbus and being located within the following described points in the boundary thereof:

Beginning at an existing iron pin found at the Grantor's southeasterly property corner and the southeasterly corner of said Lot 77, 25.00 feet left of Station 56+40.66 Henderson Road;

Thence along the Grantor's southerly property line and the southerly line of said Lot 77 North 86 degrees 09' 06" West a distance of 14.66 feet to an iron pin set at 25.00 feet left of Station 56+26.00 Henderson Road;

Thence North 03 degrees 50' 54" East a distance of 11.00 feet to an iron pin set 36.00 feet left of Station 56+26.00 Henderson Road;

Thence South 86 degrees 09' 06" East a distance of 14.51 feet to an iron pin set on the Grantor's easterly property line and the easterly line of said Lot 77, 36.00 feet left of Station 56+40.51

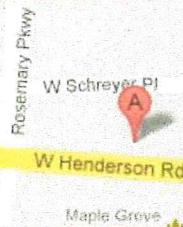
Thence along the Grantor's easterly property line and the easterly line of said Lot 77 South 03 degrees 03' 50" West a distance of 11.00 feet to the Point of Beginning, containing 160 square feet (0.0037 acres).

Parcel Number 010-086696.

CM17-017



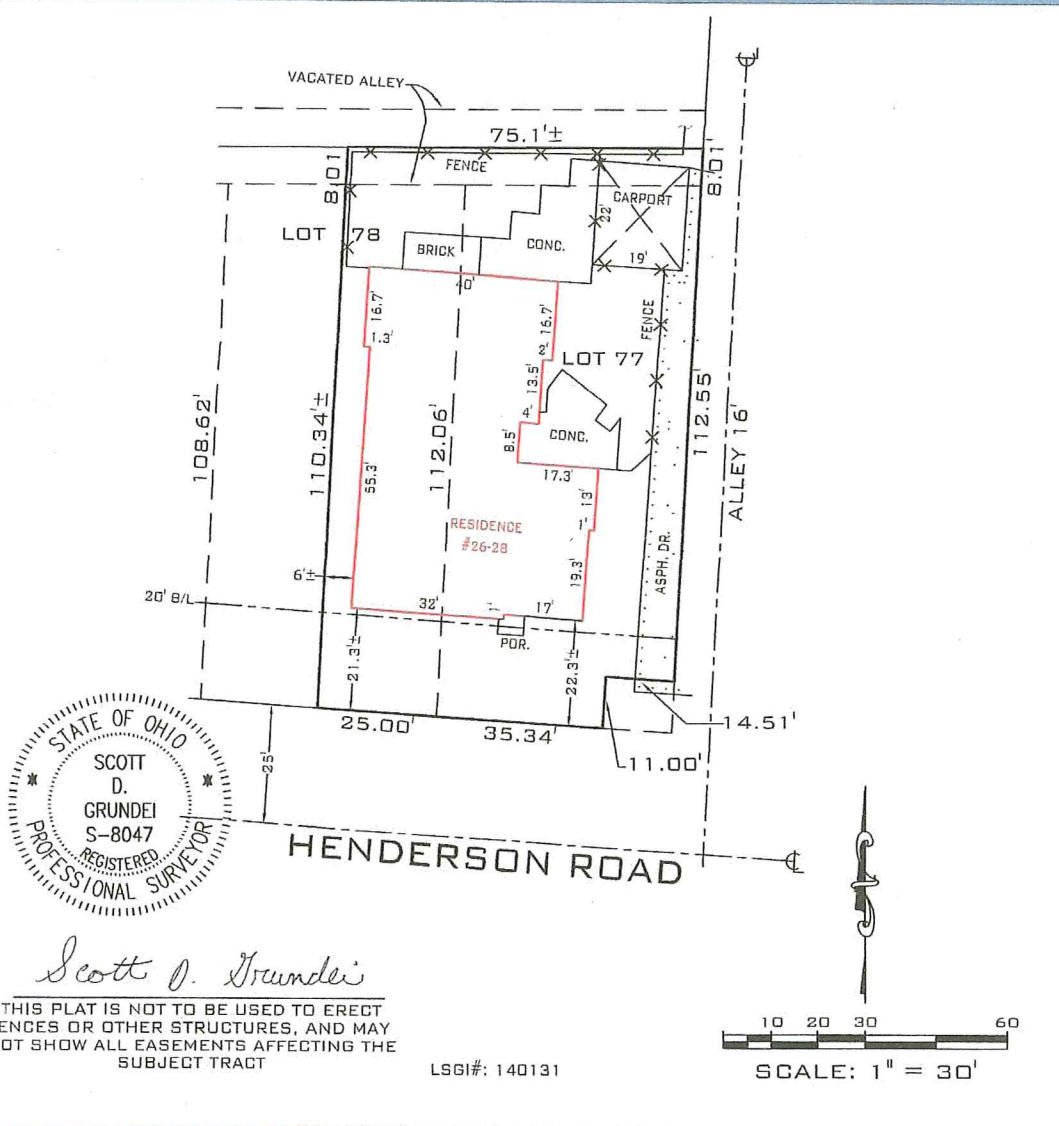
PREPARED EXCLUSIVELY FOR:



PROPERTY ADDRESS: 26-28 WEST HENDERSON ROAD COLUMBUS, Ohio 43214

SURVEY NUMBER: 140131

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POINTS OF INTEREST: None Visible.

CLIENT NUMBER: 1518424

DATE: 8/9/2012

BUYER: CHARLES L. ARUNA

SELLER: DARLENE KURA

SUBLOT / ORIGINAL LOT: PART 77-78 & PART VACATED ALLEY

SUBDIVISION: ROSEMARY ADDITION

PLAT: 15

PG: 23

COUNTY: FRANKLIN

CERTIFIED TO: TITLE FIRST AGENCY +

This plat depicts the subject property in accordance with the Ohio Administrative Code, Chapter 4733-38, Minimum Standards for Mortgage Surveys in the State of Ohio, and is not a boundary survey pursuant to Chapter 4733-37, Ohio Administrative Code.

This mortgage loan identification survey is not to be used for the installation or building of fences, sheds, garages, additions or any other structure. To determine exact boundary lines, a boundary survey is required.

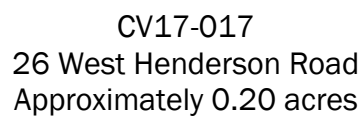
Landmark Survey  
is proud to support:



**LANDMARK**  
Survey Group

Landmark Survey Group  
2099 West Fifth Avenue  
Columbus, Ohio 43212  
Phone: 614.485.9000  
Fax: 614.485.9003

CV17-017



26 West Henderson Road  
Approximately 0.20 acres



Clintonville Neighborhood Plan  
"Single Family" Recommended

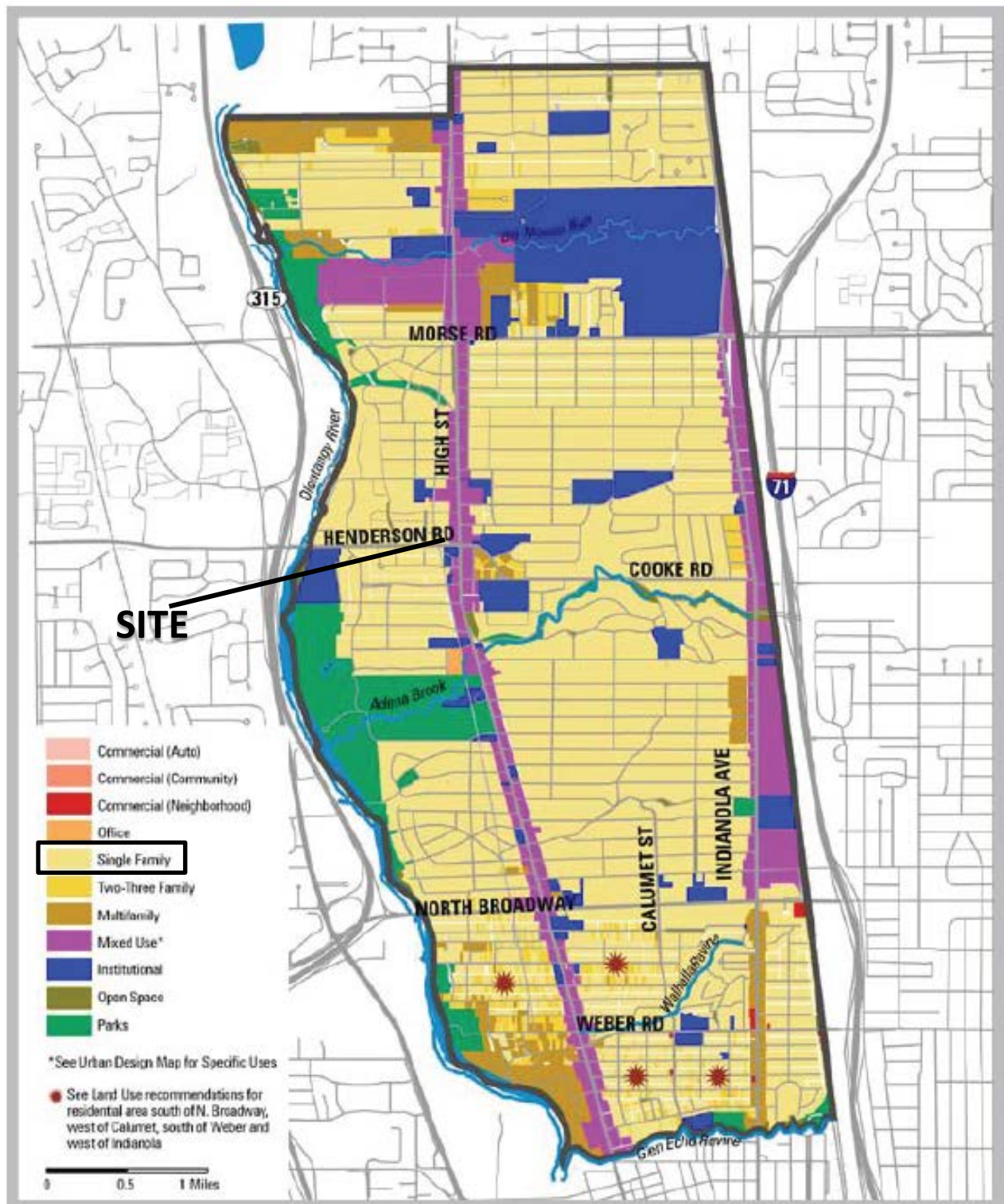


Figure 10 : Land Use Plan



CV17-017  
26 West Henderson Road  
Approximately 0.20 acres





CV17-017  
26 West Henderson Road  
Approximately 0.20 acres