

## 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: CV17-019 Date Received: 3/28/17  
Application Accepted by: TD + KP Fee: \$320  
Assigned Planner: Tim Dietrich; 614-645-6665; tedietrich@columbus.gov

#### LOCATION AND ZONING REQUEST:

Certified Address (for zoning purposes): 148 Buttlers Avenue Columbus OH Zip: 43215

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: 010-053330-00

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

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

Area Commission or Civic Association: Victorian Village Commission

Proposed Use or reason for Council Variance request:

CONVERSION of an existing carriage house into livable space

Acreage: 0.2 ACRES ±

#### APPLICANT:

Name: Benjamin Niswander Phone Number: 614.893.0319 Ext.: \_\_\_\_\_

Address: 5389 Deforest Drive City/State: Columbus Ohio Zip: 43232

Email Address: Taliesin50@hotmail.com Fax Number: \_\_\_\_\_

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

Name: Beverly Brown Phone Number: 614.975.9467 Ext.: \_\_\_\_\_

Address: 148 Buttlers Avenue City/State: Columbus Ohio Zip: 43215

Email Address: bev.brown42@me.com Fax Number: \_\_\_\_\_

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

Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

Address: \_\_\_\_\_ City/State: \_\_\_\_\_ Zip: \_\_\_\_\_

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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

APPLICANT SIGNATURE: [Signature]

PROPERTY OWNER SIGNATURE: [Signature]

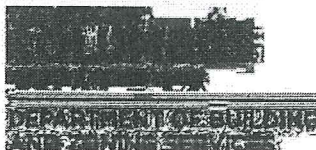
ATTORNEY / AGENT SIGNATURE: \_\_\_\_\_

*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 pages -

Signature of Applicant

Date

3/28/2017

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## Statement of Hardship

The property located at 148 Buttles Avenue currently has both a main residence and a carriage house. The carriage house is located at the rear portion (north) of the property and currently functions as a two car garage along with storage space on the second floor. The applicants plan to keep the functioning two car garage on the ground floor and convert the second floor into habitable space. The exterior footprint remains unchanged with only moderate changes on the exterior of the structure. The rear alley (Lundy Street) that the carriage house faces has other garages that have been converted into dwellings. This project, along with the requested variances, is in character with the surrounding homes and with the Victorian Village neighborhood at large. The proposed zoning changes should not adversely effect the current use or any planned future development of any neighbor's property. It would have negligible impact on the congestion in the neighborhood. The requested zoning variances allows the project to retain the high standards that Victorian Village is accustomed to.

## Proposed Zoning Variances requested

- 1) 3332.039 The property owner seeks a variance to allow the current carriage house to become habitable space on the second floor. The exterior footprint of the structure is unchanged. The parcel is zoned R-4, which only allows up to four dwellings in the same building on a lot. Since there will be two separate and unattached dwellings (the carriage house and the primary residence) a variance is being requested.
- 2) 3332.05 Lot Width Requirements The current code dictates that the property which is zoned R-4 requires a 50 foot wide lot. The parcel has a lot width of 40 feet. The applicant seeks a variance for the width of the lot.
- 3) 3332.25 Maximum Side Yard. Due to the width of the house on the parcel, the house does not have the required side yards. The code specifies that the side yards have to be at minimum of 20% of the entire width of the parcel. The applicant ask for a variance in regard to this zone requirement.
- 4) 3332.26 (C)(1) Minimum Side Yard The primary residence is approximately 2' 10" from the property line on the west side of the property. The carriage house is 2' from the property line, also on the west side of the parcel. Both of these setbacks are less than the allowable 3 foot setback required for a side yard. Nevertheless, both of these structures are consistent with their placement when compared to many other houses and carriage houses located throughout the neighborhood. The applicant would like to obtain a variance allowing both existing structures to have less than a 3 foot side yard
- 5) 3332.27 Rear Yard. The applicant asks for a variance to allow the carriage house to not be required to have a rear yard. The entire parcel is 7,200 sqft and the main residence has a rear yard of approximately 2,200 sqft in area. This amount is over the 25% required for the property . However, this amount of 2,200 sqft is not large enough to allow both the main house and the carriage house a rear yard. As a result, the applicant hopes to receive a variance allowing the carriage house to not have a rear yard.

6) 3312.49 Minimum Number of Required Parking Spaces. The current house has two spaces inside of the existing carriage house and one space outside/off-street. All three parking spaces will remain. However, zoning codes necessitates a total of four spaces (Two spaces per dwelling unit) since there will be two separate habitable structures. A variance is sought to allow for three parking spaces instead of the required four.

Submitted By:

  
Benjamin Andrew Niswander

3/28/2017

Date

CV17-01a

## COUNCIL VARIANCE APPLICATION

### Department of Building & Zoning Services

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224

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**AFFIDAVIT** (See instruction sheet)

Application Number: CV17-019

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Benjamin Niswander

of (1) MAILING ADDRESS 5389 DeForest Drive Columbus OH 43232

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 148 Buttes Avenue Columbus OH 43215

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) Beverly Brown  
148 Buttes Avenue  
Columbus OH 43215

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

Benjamin Niswander  
614.893.0319

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

(5) Victorian Village Commission  
Cristin Moody 50 W. Gay St. 4th floor  
Columbus OH 43215

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.

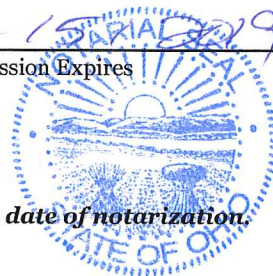
(8) SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this 23 day of MARCH, in the year 2017

(8) SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



HAMID BARADARVAR  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
July 15, 2019

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

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**APPLICANT**

Benjamin Niswander  
5389 Deforest Drive  
Columbus, OH 43232

**PROPERTY OWNER**

Beverly Brown  
148 Buttles Avenue  
Columbus, OH 43215

**AREA COMMISSION**

Victorian Village Commission  
c/o Cristin Moody  
50 West Gay Street, 4<sup>th</sup> Floor  
Columbus, OH 43215

**ATTORNEY/AGENT**

Benjamin Niswander  
5389 Deforest Drive  
Columbus, OH 43232

**SURROUNDING PROPERTY OWNERS**

Andrew Magisano  
130 Buttles Avenue  
Columbus, OH 43215

Eugene Leys & Ann Griffen  
134 Buttles Avenue  
Columbus, OH 43215

Steven & Makenzie Mills  
140 Buttles Avenue  
Columbus, OH 43215

Venkata & Bharati Jayanthi  
154 Buttles Avenue  
Columbus, OH 43215

Paul Feeney & Chad Braun  
158 Buttles Avenue  
Columbus, OH 43215

James Miller  
164 Buttles Avenue  
Columbus, OH 43215

Kelly Romas  
121 Lundy Street  
Columbus, OH 43215

Nathan Caplin & Akisa Fukuzawa  
123 Lundy Street  
Columbus, OH 43215

Julia Handelman  
125 Lundy Street  
Columbus, OH 43215

Bailey Investment Properties LLC  
22163 Dublin Hill Road  
Mt. Sterling, OH 43143

Christian & Arland Stein  
117 Hubbard Avenue  
Columbus, OH 43215

Thomas & Becca Stein  
123 Hubbard Avenue  
Columbus, OH 43215

Hubbard Interest LLC  
10 East 17<sup>th</sup> Avenue  
Columbus, OH 43201

Hubbard Avenue LLC  
PO Box 8068  
Columbus, OH 43201

GLK LLC  
141 Hubbard Avenue  
Columbus, OH 43215

CU17-019

Thomas Bauer  
60 Medbrook Way  
Columbus, OH 43214

Mark & Stephanie Wood  
147 Hubbard  
Columbus, OH 43215

Management Plus LLC  
3636 N High Street  
Columbus, OH 43214

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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 #

CV17-019

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME)

Benjamin Niswander

of (COMPLETE ADDRESS)

5389 DeForest Dr Columbus OH 43232

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>Beverly Brown</u> <u>148 Buttes Ave</u> <u>Columbus OH 43215</u>	2.
3. <u>614.975.9467</u>	4.

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

SIGNATURE OF AFFIANT

[Signature]

Sworn to before me and signed in my presence this

23

day of

MARCH

, in the year

2017

SIGNATURE OF NOTARY PUBLIC

My Commission Expires

Notary Seal Here



**HAMID BARADARVAR**  
NOTARY PUBLIC  
FOR THE  
STATE OF OHIO  
My Commission Expires  
July 15, 2019

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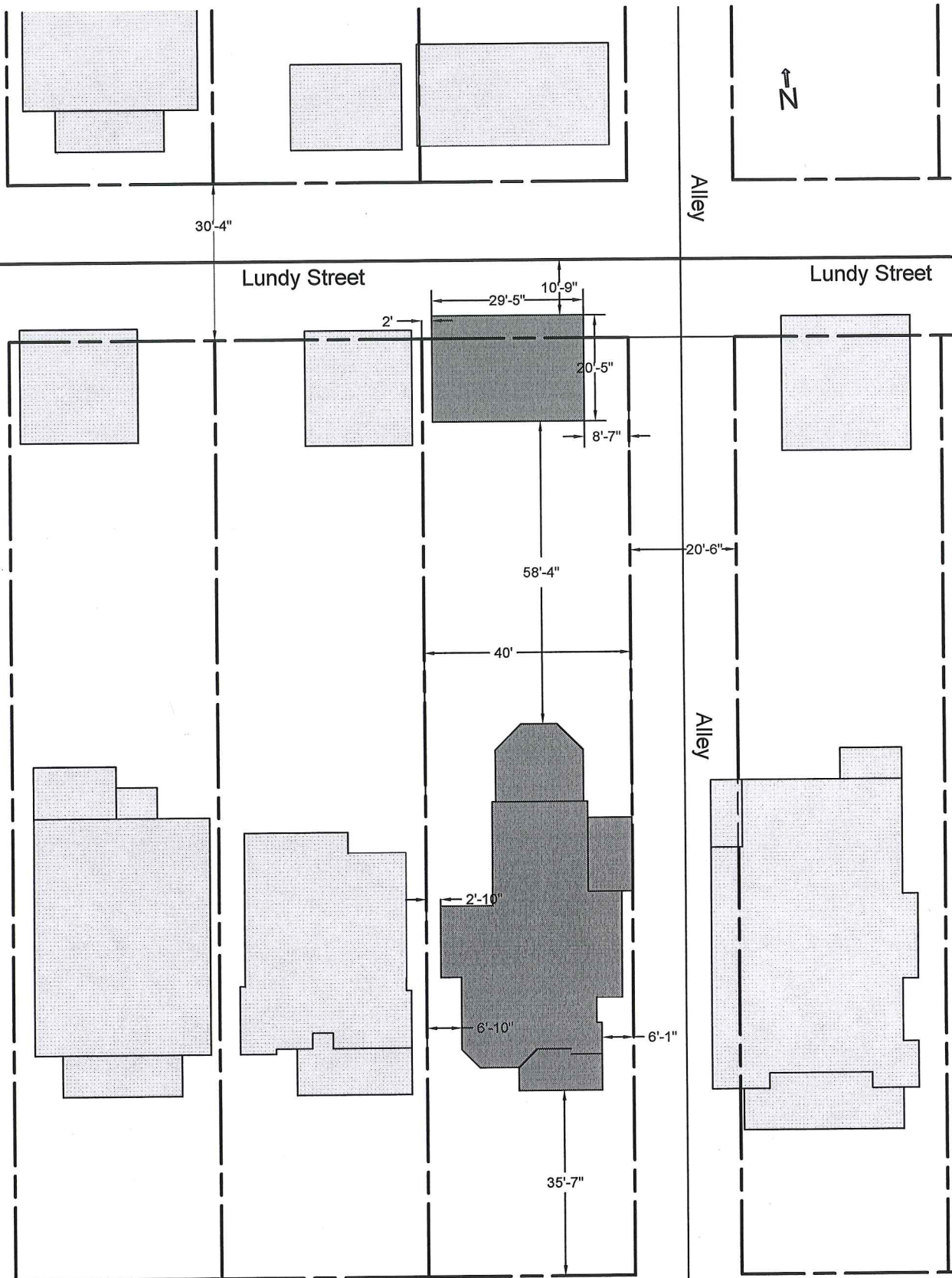


### **Legal Description of 148 Buttles Avenue**

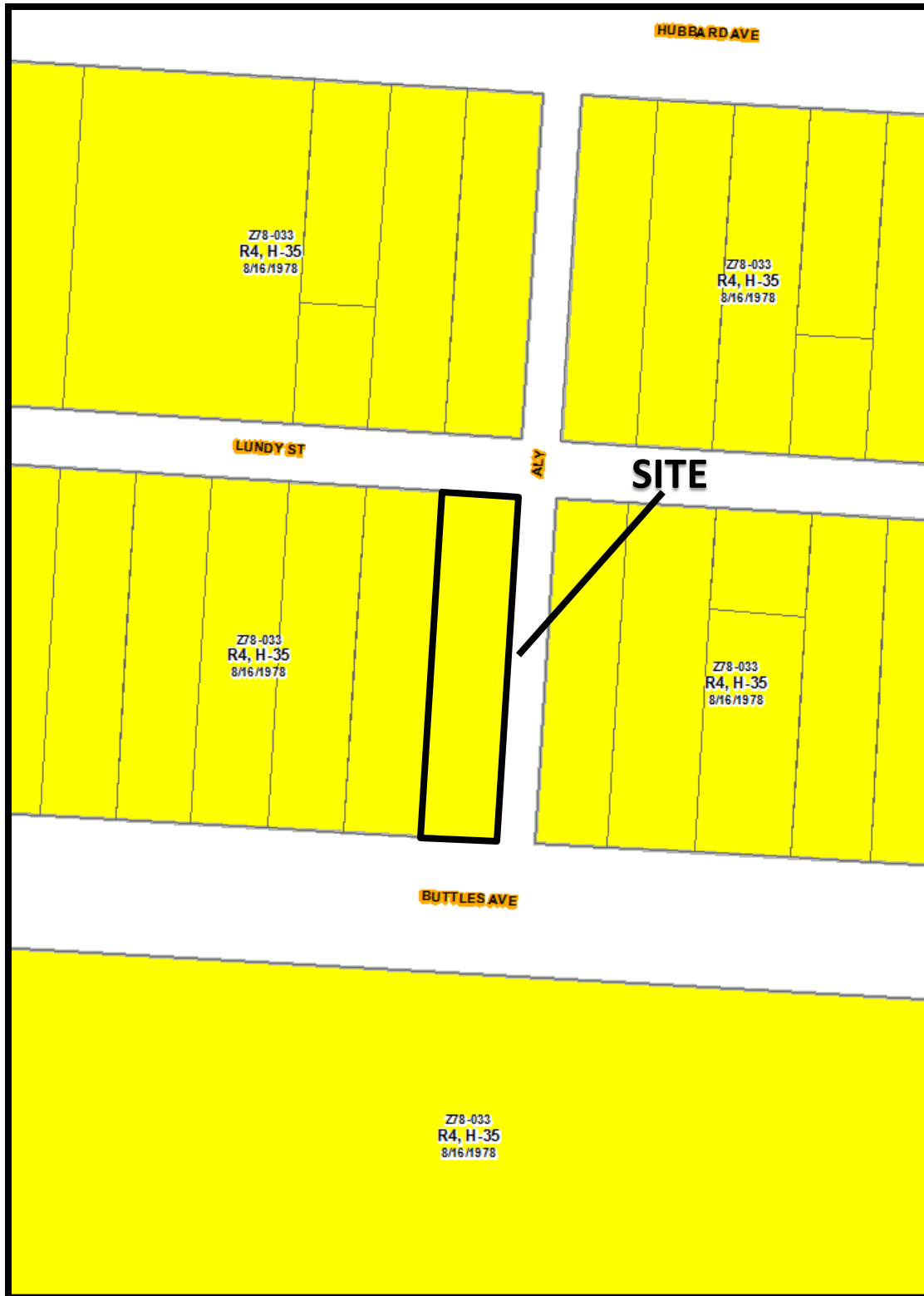
Situate in the City of Columbus, County of Franklin, in the State of Ohio and being further described as:

Being Lot Number Nine (9) of H.M. Hubbard's Heirs Subdivision of the Hubbard Property, as the same is known and delineated upon the recorded plat of said subdivison of record of the Recorder's Office, in said Franklin County, Ohio in Plat Book 3, page 426.

148 Buttles Avenue  
010-053330-00

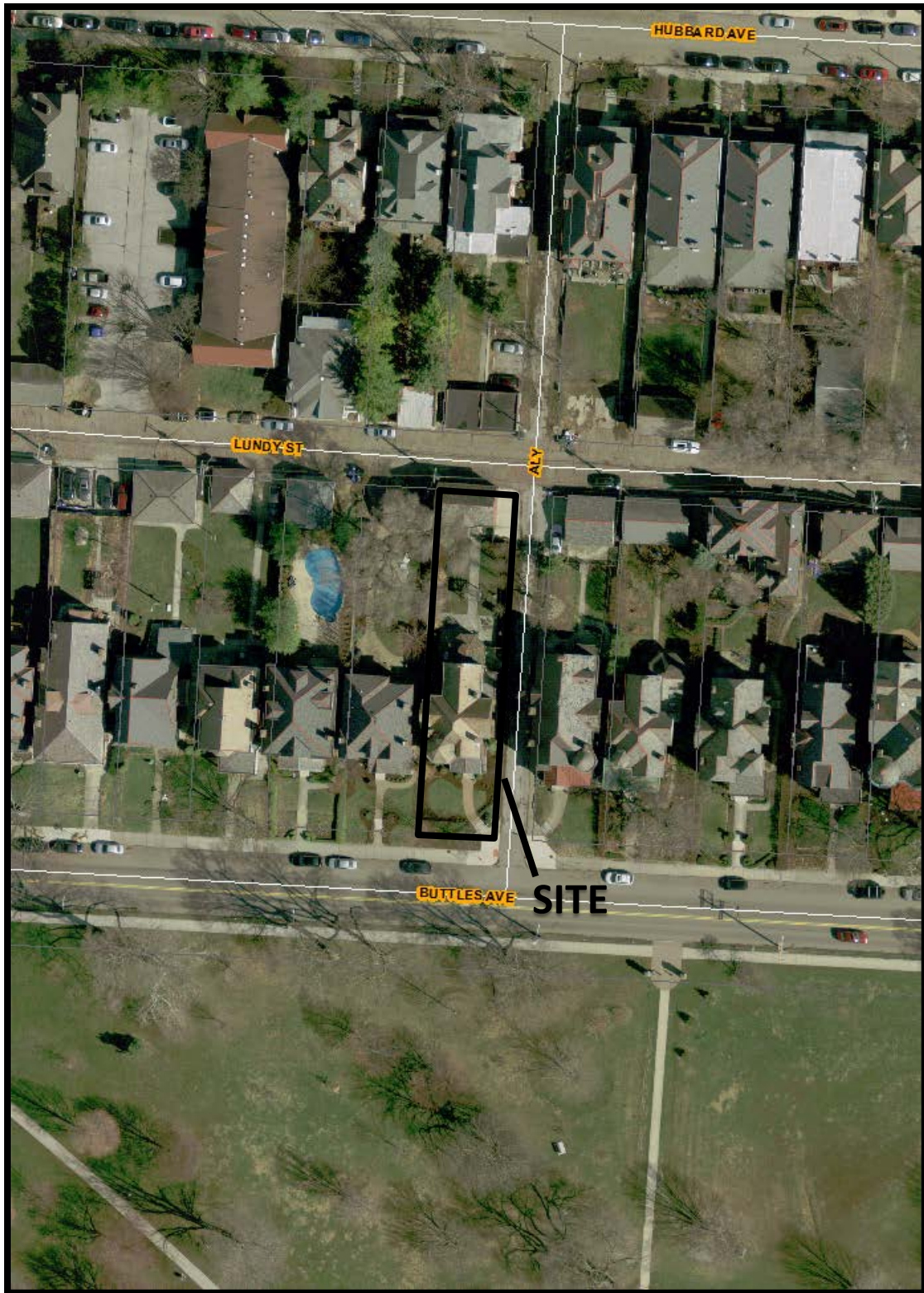


Parcel Coverages	
Carriage House	580 sqft
Primary Residence	1,792 sqft
Total Lot Size	7,200 sqft
Total Coverage of Structures	2,372 sqft
Percent Coverage of Structures	32.90%
Rear Yard	2,333 sqft
Percent of Rear Yard for Primary Residence	32.40%



CV17-019  
148 Buttes Avenue  
Approximately 0.2 acres





CV17-019  
148 Buttes Avenue  
Approximately 0.2 acres