



COUNCIL VARIANCE APPLICATION

City of Columbus, Ohio • Department of Building & Zoning Services

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

OFFICE USE ONLY

Application Number: CV14-008 / 14315-00000-00136

Date Received: 3/4/14

Application Accepted By: TP+ET Fee: \$1600.00

Comments: Assigned to Shannon Pine; Spine@columbus.gov

614-645-2208

LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 74 E 3RD AVE Zip 43201

Is this property currently being annexed into the City of Columbus ☐ Yes ☒ No

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

Parcel Number for Certified Address: 010-067359-00

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

Current Zoning District(s): RESIDENTIAL R-4

Civic Association or Area Commission: ITALIAN VILLAGE COMMISSION

Proposed use or reason for Council Variance request: TO HAVE MULTIPLE DWELLINGS & A LOT SPLIT

Acreage: 0.394

APPLICANT: Name CONNIE J. KLEMA, ATTORNEY

Address 145 E RICH ST 2ND FLOOR City/State COLUMBUS OH Zip 43215

Phone # 614 469-9122 Fax # _____ Email: CKLEMA@rrohoio.com

PROPERTY OWNER(S): Name THE NORTH SIDE DAY NURSERY ASSOCIATION

Address 162 N. OHIO AVE City/State COLUMBUS OH Zip 43203

Phone # N/A Fax # N/A Email: N/A

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

ATTORNEY / AGENT

☒ Attorney ☐ Agent

Name CONNIE J. KLEMA

Address 145 E RICH STREET 2ND FL City/State COIS. OH Zip 43215

Phone # 614 469 9122 Fax # _____ Email: CKLEMA@rrohoio.com

SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Connie J. Klem

PROPERTY OWNER SIGNATURE Connie J. Klem on behalf of owner

ATTORNEY / AGENT SIGNATURE Connie J. Klem

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 all checks payable to the Columbus City Treasurer

CV14008

COUNCIL VARIANCE

94 E. 3RD AVENUE

LIST OF VARIANCES

(1) 3332.039 R-4 RESIDENTIAL DISTRICT

Corner Lot: To permit two (2) dwellings on one lot.

Interior Lot: To permit two (2) dwellings on one lot and to permit more than four (4) dwelling units in one dwelling and to permit eight (8).

(2) 3332.05 AREA DISTRICT LOT WIDTH REQUIREMENTS

Corner Lot: To permit a lot with a width measured at the front lot line of less than 50 feet and to permit 46' 10 1/4".

(3) 3332.15 R-4 AREA DISTRICT REQUIREMENTS:

Corner Lot: To permit a single family dwelling and a three family dwelling to be situated on a lot of no less than 1759.155 square feet per dwelling unit.

Interior Lot: To permit one dwelling above a garage and a dwelling with eight (8) dwelling units to be situated on a lot of no less than 10,112.3 square feet.

(4) 3332.19 FRONTING

Corner Lot: To permit one dwelling above a garage to not front on a public street.

(5) 3332.25 MAXIMUM SIDE YARDS REQUIRED

Interior Lot: To permit the sum of the widths of each side yard of the carriage house to be less than 20 percent of the width of the lot and less than 16 feet and to be 12 feet 3 3/8".

(6) 3332.26 MINIMUM SIDE YARD PERMITTED

Corner Lot: To permit the side yard dimension between the building and/or pavement and the side lot lines to be less than five feet.

Interior Lot: To permit the side yard dimension between the buildings and/or pavement and the side lot lines to be less than five feet.

(7) 3332.27 REAR YARD

Corner Lot: To permit a rear yard totaling less than 25 percent of the total lot area and totaling 4 percent.

Interior Lot: To permit a rear yard totaling less than 25 percent of the total lot area and totaling 7 percent.

(8) 3312.13 DRIVEWAY

Interior Lot:

(9) 3312.49 MINIMUM NUMBER OF PARKING SPACES REQUIRED

Corner Lot: To permit the minimum number of parking spaces required to be less than two (2) per unit and to be one (1) per unit totaling four (4).

Interior Lot: To permit the minimum number of parking spaces required to be less than two (2) per unit for a one unit carriage house and 1.5 per unit for a dwelling with 8 units and to be one (1) per unit totaling nine (9).

(10) 3312.29 PARKING SPACE

Interior Lot: To permit one stacked parking space to be counted as a required parking space.

(11) 3312.25 MANEUVERING

Interior Lot: To permit the maneuvering area of one stacked parking space to include the area of its adjacent stacked parking space.



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STATEMENT OF HARDSHIP

C014-008

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.

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 requested as detailed below:

— See ATTACHED —

Signature of Applicant

Cornel J. Klewin attorney

Date

2/25/14

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COUNCIL VARIANCE

94 E. 3RD AVENUE

STATEMENT OF HARDSHIP

94 E. 3rd Avenue (the "Property") is located on the northeast corner of East 3rd Avenue and Say Avenue in Italian Village approximately one block east of High Street. The Property, which is 0.394 acres, was developed in 1922 with a 6660 square foot residential structure that was, and continued to be, used as a daycare center until this time.

The Property is zoned R-4. The daycare center has operated as a permitted non-conforming use. The residential structure is located on the eastern portion of the Property. The western portion of the Property that is bordered by Say Avenue and Third Avenue has no structure and is occupied by the outside play area used by the daycare center.

Lots to the east, west and north of the Property have widths ranging from 26' to 76' and are improved with single and multi-family dwellings. A City of Columbus school occupies the property across the street on the south side of E. 3rd Avenue.

The R-4 District permits single and multi-family dwellings with up to four units. The applicant is requesting variances to divide the Property into an east and west lot permitting eight dwelling units in the existing 6660 square foot residential structure and one dwelling unit in a newly constructed carriage house with parking on the eastern lot, and a single family dwelling and a dwelling with three dwelling units to be constructed on the western lot.

The proposed residential use and number of units (4 units on the western lot and 9 units on the eastern lot), are in the spirit of what the existing R-4 residential district permits as a multiple dwelling development which is the development of three or more dwellings each containing three or four dwelling units. However, while the number of proposed units is not more than what a multiple dwelling development permits, except for the proposed three unit dwelling, the remaining units are proposed in dwellings that are less than three units or more than four.

The use of the Property for residential dwellings is permitted in the R-4 District and will not adversely affect the surrounding neighborhood which is developed with single and multi-family dwellings. The development will not impair an adequate supply of light and air to the adjacent property, unreasonably increase the congestion of the 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.

The requested variances address the practical difficulties of developing a large lot zoned for residential use that was not developed for residential use but was used as a daycare, which is a nonconforming use, and unusual hardships associated with developing residential structures with less or more units than permitted in a dwelling in a multiple dwelling development.



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AFFIDAVIT

(See next page for instructions)

APPLICATION #

CV 14-008

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME CONNIE J. KLEMA

of (1) MAILING ADDRESS 145 E TRICK ST 2ND Floor Cols OH 43215

deposed 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 CERTIFIED ADDRESS FOR ZONING PURPOSES 94 E THIRD AVE

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

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME
AND MAILING ADDRESS

(4) THE NORTH SIDE DAY NURSERY ASSOCIATION
162 N OHIO AVE
COLUMBUS OH 43203

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

CONNIE J. KLEMA, ATTORNEY
614 469-9122

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

(5) ITALIAN VILLAGE COMMISSION
CONNIE TORBECK
50 WEST BAY 9TH Floor Cols 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)

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

SIGNATURE OF AFFIANT

(8) Connie J. Klema

Subscribed to me in my presence and before me this

3rd day of March, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8) Gordon P. Shuler

My Commission Expires:

GORDON P. SHULER, Attorney At Law

NOTARY PUBLIC - STATE OF OHIO

MY COMMISSION HAS NO EXPIRATION DATE

SECTION 147.03 R. C.

Notary Seal Here

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Connie J. Klema, Attorney
145 E. Rich Street, 2nd FL
Columbus, Ohio 43215

North Side Day Nursery Assoc.
162 N. Ohio Ave.
Columbus, Ohio 43203

Connie Torbeck
Italian Village Commission
50 West Gay Street, 4th FL
Columbus, Ohio 43215

City of Columbus
Board of Education
Real Estate Coordinator
270 E. State Street
Columbus, Ohio 43215

Sabra J Webber
103 E Third Ave.
Columbus, Ohio 43201

Community Properties of Ohio
910 E. Broad St.
Columbus, Ohio 43205

Network Restorations I LLC
957 E. Broad St.
Columbus, Ohio 43205

Juliann E. South
102 E. Third Ave.
Columbus, Ohio 43201

T&D Enterprises LLP
4820 Shire Ridge Rd E
Hilliard, Ohio 43026

Michael & Vanessa Maloof
2362 N High St.
Columbus, Ohio 43202

Hakeem Shittu
1000 Urlin Ave, Apt 1501
Columbus, Ohio 43212

Townview Properties LLC
520 2nd Ave
Columbus, Ohio 43201

Edna & David Morrison Trustees
1065 Summit St
Columbus, Ohio 43201

Rashaan & Christina Hollis
1071 Summit St
Columbus, Ohio 43201

Michael D Clark
1072 Say Ave
Columbus, Ohio 43201

Mark Rivers
1064 Say Ave
Columbus, Ohio 43201

Jessica Moore
1069 Say Ave
Columbus, Ohio 43201

Edward Schiebel
Laura Cotton
1065 Say Ave
Columbus, Ohio 43201

US National Bank Assoc. TR
3476 Stateview Blvd
Fort Mill, SC 29715

Roger Farrell
76 E. Third Ave
Columbus, Ohio 43201

M Arthur Investments LLC
964 Wake Dr
Westerville, Ohio 43082

Spruce Bough Homes LLC
562 E Main St
Columbus, Ohio 43215

Ryan M Konst
1073 Say Ave
Columbus, Ohio 43201

CV14-008



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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 # CV14-008

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] CONNIE J. KLEMA

Of [COMPLETE ADDRESS] 145 E RICH ST 2ND FL, COLS OH 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 formats

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>THE NORTH SIDE DAY NURSERY ASSOC.</u> <u>162 N. OHIO AVE</u> <u>COLS OH 43203</u> <u>COLS BASED Employees = 23</u>	2.
3. <u>CONTACT: Pierre Bigby (614) 293-5525</u>	4.

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

SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 3rd day of March, in the year 2014

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:

GORDON P. SHULER, Attorney At Law
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION HAS NO EXPIRATION DATE
SECTION 147.03 R.C.

Notary Seal Here

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

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City of Columbus Zoning Plat



CV14-008

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: 010067359

Zoning Number: 94

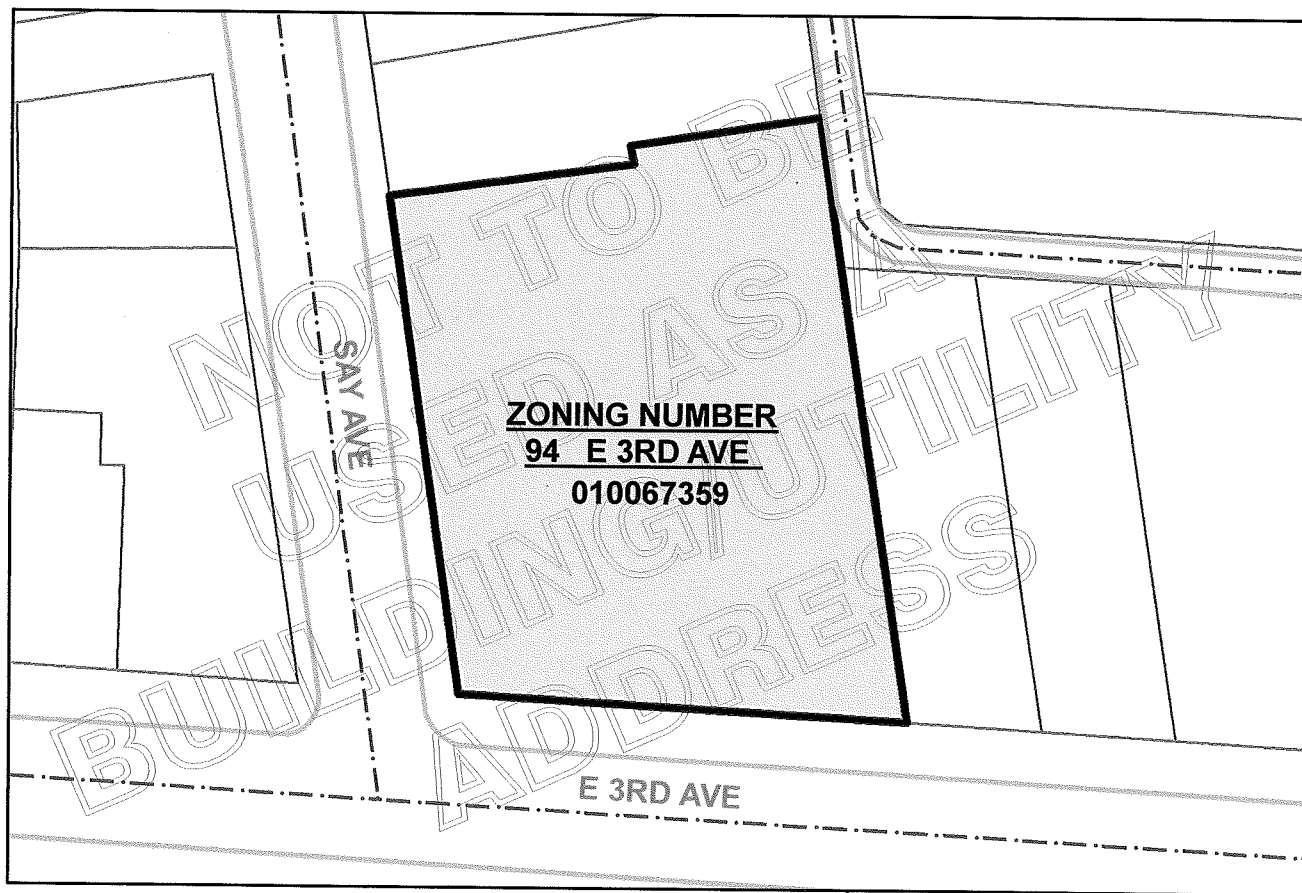
Street Name: E 3RD AVE

Lot Number 1

Subdivision: SAY & SELLS

Requested By: CONNIE KLEMA, ATTORNEY

Issued By: Adriana Williams Date: 2/25/2014



SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 17740



PATRICIA A. AUSTIN, P.E., ADMINISTRATOR
DIVISION OF PLANNING AND OPERATIONS
COLUMBUS, OHIO

CV14-008

COUNCIL VARIANCE

94 E. 3RD AVENUE

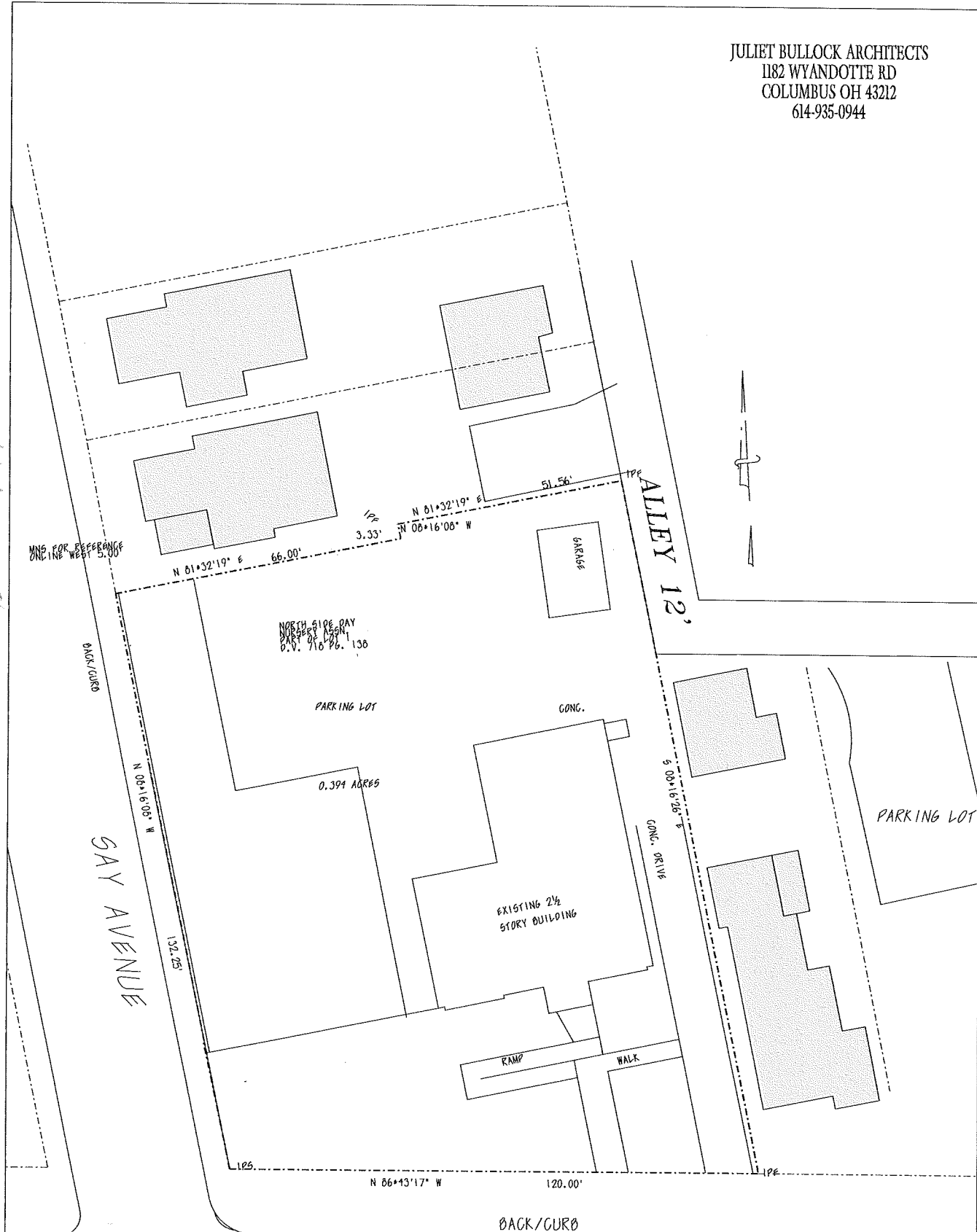
LEGAL DESCRIPTION

Situated in the County of Franklin, in the State of Ohio, and in the City of Columbus and bounded and described as follows:

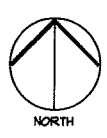
Being part of lot no. 1 of F. A. Sells and William Say's subdivision of lots nos. thirty two (32) and thirty three (33) of William Phelan's Mount Pleasant Addition to the city of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat of said Sells' and Say's subdivision, of record in plat book 3, page 40, Recorder's Office, Franklin County, Ohio, beginning at a point on the west line of said lot no. 1, twenty three and one third ($23 \frac{1}{3}$) feet south of the north line thereof; thence east on a line parallel with the north line of said lot sixty six (66) feet; then north three and one third ($3 \frac{1}{3}$) feet to a point; thence east on a line parallel with the north line of said lot to the east line thereof; thence south to the southeast corner of said lot; thence west along the south line of said lot and the north line of Third Avenue to the southwest corner thereof; thence north to the place of beginning.

JULIET BULLOCK ARCHITECTS
1182 WYANDOTTE RD
COLUMBUS OH 43212
614-935-0944

CV14-008



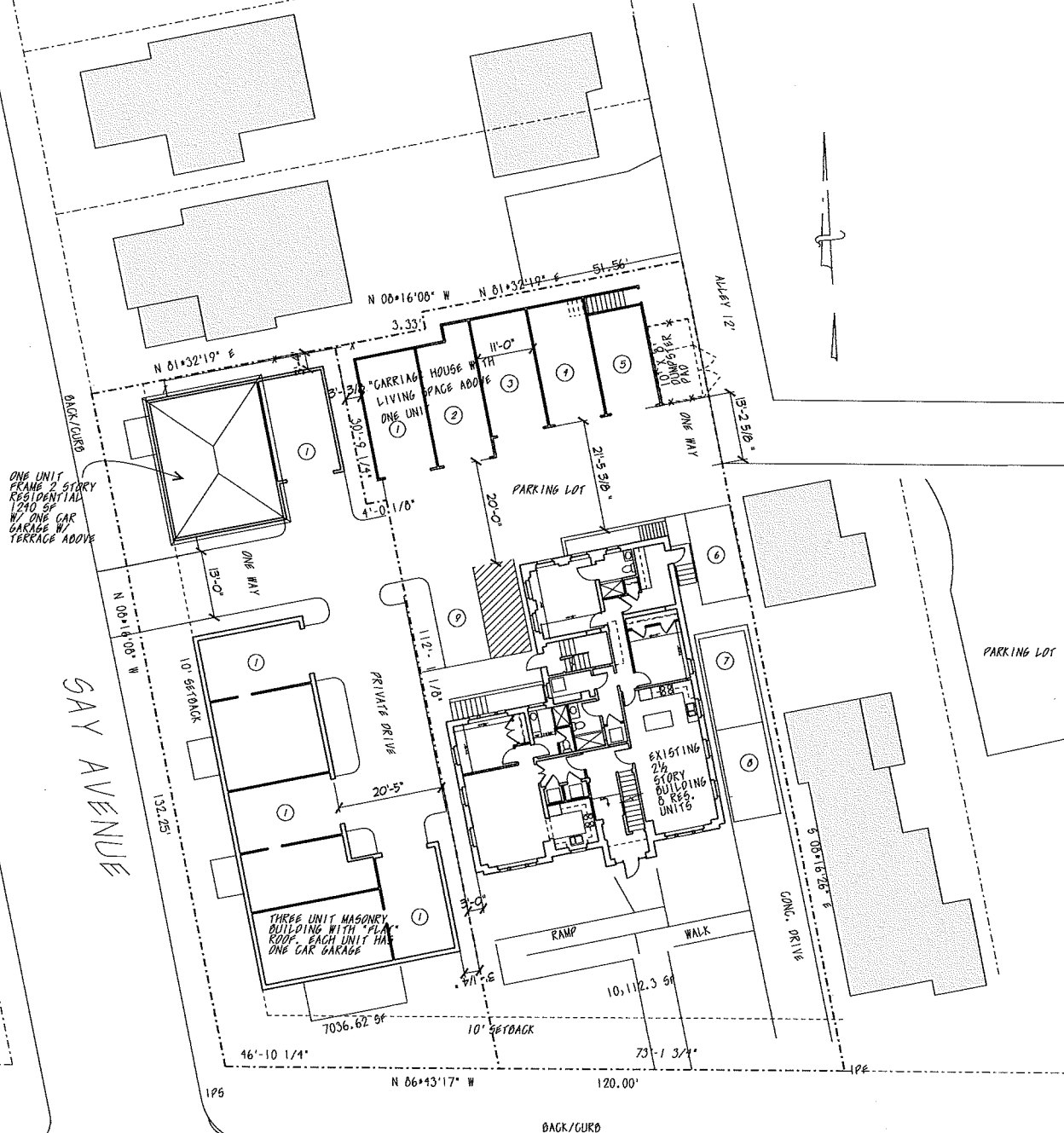
ASBUILT
SITE PLAN
SCALE 1" = 20'



3/3/14
NEW RESIDENTIAL/
94 EAST THIRD AVENUE
COLUMBUS OHIO

JULIET BULLOCK ARCHITECTS
1182 WYANDOTTE RD
COLUMBUS OH 43212
614-935-0944

CV14-008



E. THIRD AVENUE 60'

PROPOSED
SITE PLAN
SCALE 1" = 20'



3/3/14
NEW RESIDENTIAL/
94 EAST THIRD AVENUE
COLUMBUS OHIO

CV14-008



CV14-008
94 East Third Avenue
Approximately 0.39 acres



CV14-008
94 East Third Avenue
Approximately 0.39 acres