



# 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](http://www.columbus.gov)

OFFICE USE ONLY

Application Number: CV14-055 / 14315-00000.00784  
Date Received: 11/3/14  
Application Accepted By: SP+ET Fee: \$320  
Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 71 East Como Ave. Zip 43202

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: 010026051

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

Current Zoning District(s): R3

Civic Association or Area Commission: Clintonville Area Commission

Proposed use or reason for Council Variance request: to allow a 2nd detached dwelling unit above a detached accessory garage  
Acreage: 0.21 3332.035

**APPLICANT:** Name Richard and Janet Mendola  
Address 4913 Vicksburg Lane City/State Hilliard, OH Zip 43026  
Phone # 614-282-4411 Fax # \_\_\_\_\_ Email: rentals.columbus@gmail.com

**PROPERTY OWNER(S):** Name Same as applicant

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

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email: \_\_\_\_\_

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

**ATTORNEY / AGENT**  Attorney  Agent

Name \_\_\_\_\_

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

Phone # \_\_\_\_\_ Fax # \_\_\_\_\_ Email: \_\_\_\_\_

### SIGNATURES (ALL SIGNATURES MUST BE SIGNED IN BLUE INK)

APPLICANT SIGNATURE Richard Mendola Janet Mendola

PROPERTY OWNER SIGNATURE Richard Mendola Janet Mendola

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.  
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Please make all checks payable to the Columbus City Treasurer



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CV14-055

## 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.

**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:**

*Please see letter*

Signature of Applicant Janet Mendola Date 10-30-14

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CV14-055

Richard and Janet Mendola  
4913 Vicksburg Lane  
Hilliard, OH 43026

To: Department of Building and Zoning Services

Re: 71 E. Como Variance Request.

We are applying to allow a second detached dwelling unit above a detached accessory garage. This dwelling unit was present at the time we purchased the house in February 2012. We know the unit has been in use since at least 2005, as is indicated by the most recent gas meter that is connected to the unit. In addition, mortgage documents (attached) indicate that since at least 1994, the unit was established. This can be seen by the 1-4 family riders that were attached to the mortgages. This means that for over 20 years this unit has already been established as a dwelling unit.

We have not changed the usage of this second detached dwelling unit since the purchase of the property. It has its own separate electric and gas service.

The unit is an efficiency and has its own dedicated parking space in the garage and as such adds no congestion to the neighborhood.

Our purchase of the property was based on its value related to this dwelling unit. As such, being unable to use this dwelling unit would adversely affect us as the owners and the current resident.

You favorable action on this request will be greatly appreciated.

Sincerely,

  
Rich and Janet Mendola

Owners



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## AFFIDAVIT

(See next page for instructions)

APPLICATION # CV14-055

STATE OF OHIO \_\_\_\_\_  
COUNTY OF FRANKLIN \_\_\_\_\_

Being first duly cautioned and sworn (1) NAME Richard and Janet Mendola  
of (1) MAILING ADDRESS 4913 Vicksburg Lane Hilliard OH 43026

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 71 E. Como Ave Columbus, OH 43202  
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) 11/3/14

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME AND MAILING ADDRESS

(4) Richard and Janet Mendola  
4913 Vicksburg Lane  
Hilliard, OH 43026

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

Richard Mendola 614-975-5686  
Janet Mendola 614-282-4411

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

(5) Clintonville Area Commission  
Dana Bagwell  
3982 N. High  
Columbus, OH 43214

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) Richard Mendola Janet Mendola

Subscribed to me in my presence and before me this 03 day of November, in the year 2014

SIGNATURE OF NOTARY PUBLIC

(8) Matthew Cochran

My Commission Expires:

Feb 23, 2017



**MATTHEW COCHRAN**  
NOTARY PUBLIC  
STATE OF OHIO  
My Commission Expires  
February 23, 2017

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Richard and Janet Mendola  
4913 Vicksburg Lane  
Hilliard, OH 43026

Ady Itzhak Manory  
7850 Elbrook Ave.  
Cincinnati, OH 45237

Sunit Saha  
1094 Bucyrus Rd.  
Galion, Ohio 44833

Uptown Holdings Limited LLC  
Michael and Carol Tomko  
PO Box 141213  
Columbus, OH 43214

David J. Esker and Linda M. Miller  
Chase Home Finance LLC  
1 Corelogic Dr.  
Westlake, TX 76262

Philip R. and Janet B. Eyman  
1533 Francisco Rd.  
Columbus, OH 43220

Jon Siegrist and Alyson R.  
Hartung  
84 E. Como Ave.  
Columbus, OH 43202

May Lou Wright  
4853 Sharon Ave.  
Columbus, OH 43214

Richard and Janet Mendola  
4913 Vicksburg Lane  
Hilliard, OH 43026

Gunter and Sarah R. Garbe  
60 E. Lakeview Ave.  
Columbus, OH 43202

Paula E. Jones  
76 E. Lakeview Ave.,  
Columbus, OH 43202

Daniel E. and Cheryl A. Walker  
58 E. Como Ave  
Columbus, OH 43202

Richard O. and Sharon E. Watkins  
Nationwide Advantage  
1100 Locust St. Dept. 2009  
Des Moines, IA 50391

Alan R. Beattay  
797 Leland St  
New Castle, IN 47362

Melanie R. Hill  
84 E. Como Ave.  
Columbus, OH 43202

Uptown Holdings Limited LLC  
Michael and Carol Tomko  
PO Box 141213  
Columbus, OH 43214

CV14-055

Clintonville Area Commission  
Zoning Committee Chair  
Dana Bagwell  
3982 N. High Street  
Columbus, OH 43214

Karen S. Tod Saniel-Banrey  
60 E. Lakeview Ave.  
Columbus, OH 43202

Michael J and Laurel R Woods  
Green Tree Servicing  
345 St. Peter Street L800  
St. Paul, MN 55102

Steven J Jr. and Rachel B.  
Campbell  
Huntington Mortgage Corp.  
P.O. 182661  
Columbus, OH 43218

Andrew J. Spencer  
Susan K. Harshe  
Huntington Mortgage Corp.  
P.O. Box 182661  
Columbus, OH 43218

Katherine Allar & Bobby  
Spearman (MacX2302-04D)  
Wells Fargo Real Estate  
1 Home Campus  
Des Moines, IA 50328

Robert Fruth  
Citimortgage Inc.  
95 Methodist Hill Dr.  
Rochester, NY 14623

Franklin E. Snyder  
Fifth Third Bank  
DFW4-2  
1Corelogic Dr.  
Westlake, TX 76262



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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 # CW14-055

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Richard Mendola and Janet Mendola  
Of [COMPLETE ADDRESS] 4913 Vicksburg Ln. Hilliard, OH 43026  
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. Richard Mendola<br>4913 Vicksburg Lane<br>Hilliard, OH 43026<br>0 Columbus based employees<br>Richard Mendola 614-975-5686 | 2. Janet Mendola<br>4913 Vicksburg Lane<br>Hilliard, OH 43026<br>0 Columbus based employees<br>Janet Mendola 614-282-4411 |
| 3.  | 4.  |

Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT

Richard Mendola Janet Mendola

Subscribed to me in my presence and before me this 03 day of November, in the year 2014

SIGNATURE OF NOTARY PUBLIC

Matthew Cochran

My Commission Expires:

Feb 23, 2017



**MATTHEW COCHRAN**

NOTARY PUBLIC  
STATE OF OHIO

My Commission

Expires

February 23, 2017

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

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**CITY OF COLUMBUS, OH**  
**HISTORY ADDRESS INQUIRY - ALL APPLICATIONS**

ADDRESS 71 E COMO AV

| <u>ADDRESS 71 E COMO AV</u> |                         |                |     | ZIP CODE     | 43202 | 0           |
|-----------------------------|-------------------------|----------------|-----|--------------|-------|-------------|
| INTERSECTION                |                         | HIST-PROP      |     | SUB-DIV      |       |             |
| PARCEL NO                   | 010-026051              | CENSUS         | 420 | LOT NO       | PAR   |             |
| HIST-DIST                   |                         | BLOCK          | 406 |              |       |             |
| PERMIT ID                   | 3359                    | RES/COMM       |     | # OF UNITS   | 0     | VALUE 2,400 |
| CREATE DATE                 | 10-21-76                | NEW/RPLC/ALTER |     | CONT. LIC. # |       |             |
| PERMIT TYPE                 | B                       | C-40 CODE      |     | OBBC         |       |             |
| DESCRIPTION                 | ALT DWG FIREPLACE       |                |     |              |       |             |
| PERMIT ID                   | 91525                   | RES/COMM       |     | # OF UNITS   | 0     | VALUE 4,500 |
| CREATE DATE                 | 12-13-74                | NEW/RPLC/ALTER |     | CONT. LIC. # |       |             |
| PERMIT TYPE                 | B                       | C-40 CODE      |     | OBBC         |       |             |
| DESCRIPTION                 | ALT 2 ST FRM DWG SIDING |                |     |              |       |             |
| PERMIT ID                   | 61415                   | RES/COMM       |     | # OF UNITS   | 0     | VALUE 1,200 |
| CREATE DATE                 | 09-09-37                | NEW/RPLC/ALTER |     | CONT. LIC. # |       |             |
| PERMIT TYPE                 | B                       | C-40 CODE      |     | OBBC         |       |             |
| DESCRIPTION                 | CB 1 ST GAR             |                |     |              |       |             |
| PERMIT ID                   | 3944                    | RES/COMM       |     | # OF UNITS   | 0     | VALUE 200   |
| CREATE DATE                 | 05-06-22                | NEW/RPLC/ALTER |     | CONT. LIC. # |       |             |
| PERMIT TYPE                 | B                       | C-40 CODE      |     | OBBC         |       |             |
| DESCRIPTION                 | FRM GAR                 |                |     |              |       |             |

|           |          |
|-----------|----------|
| DATE      | 01-28-99 |
| REQ. TYPE | O        |
| REQ. #    | H9900116 |
| STATUS    |          |

|   |                       |
|---|-----------------------|
| Conveyance                                      |                       |
| Mandatory                                       | 120 <sup>00</sup>     |
| Permissive                                      | 120 <sup>00</sup> SEC |
| CLARENCE E. MINGO II<br>FRANKLIN COUNTY AUDITOR |                       |

CV14-055



201203020029772  
 Pgs: 2    \$29.00    T20120014805  
 03/02/2012 4:12PM    BXGERNER BOX  
 Daphne Hawk  
 Franklin County Recorder

2697  
**TRANSFERRED**

**MAR 02 2012**

CLARENCE E. MINGO II  
 AUDITOR  
 FRANKLIN COUNTY, OHIO

File #: C1223462, Loan#: 153552433  
 Return to:  
 Gerner REO  
 One Riverfront Place, Sixth Floor  
 Newport, Kentucky 41071

**LIMITED WARRANTY DEED**

Federal Home Loan Mortgage Corporation, a corporation organized and existing under the laws of the United States ("Grantor"), for valuable consideration paid, grants, remises, aliens and conveys, but without recourse, representation or warranty of any kind, except as expressed herein, to Richard Mendola and Janet Mendola, for their joint lives, remainder to the survivor of them ("Grantee"), all of Grantor's right, title and interest in and to that certain tract or parcel of land commonly known as 71 East Como Avenue, Columbus, OH, 43202 and situated in the County of Franklin, State of Ohio, described as follows (the "Premises"):

SITUATED IN THE STATE OF OHIO, COUNTY OF FRANKLIN AND IN THE CITY OF COLUMBUS AND BOUNDED AND DESCRIBED AS FOLLOWS:

BEING A PART OF LOT NUMBER TEN (10) OF MARCIA F. WESTERVELT'S COMO SUBDIVISION OF LAND, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK NO. 4, PAGE 420, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

- BEGINNING AT THE NORTHWEST CORNER OF SAID LOT NUMBER TEN (10);
- THENCE IN A SOUTHEASTERLY DIRECTION ALONG THE WEST LINE OF SAID LOT TO A POINT IN THE SOUTHWEST CORNER OF SAID LOT;
- THENCE EAST ALONG THE SOUTH LINE OF SAID LOT 35.85 FEET TO A POINT;
- THENCE IN A NORTHERLY DIRECTION 96.6 FEET TO A POINT, 37 FEET DISTANT FROM THE EAST LINE OF SAID LOT;
- THENCE IN A NORTHWESTERLY DIRECTION 40 FEET TO A POINT, 45 FEET DISTANT FROM THE EAST LINE OF SAID LOT;
- THENCE IN A NORTHERLY DIRECTION 50 FEET TO A POINT IN THE NORTH LINE OF SAID LOT, 45 FEET DISTANT FROM THE EAST LINE OF SAID LOT;
- THENCE WEST ALONG THE NORTH LINE OF SAID LOT 65.11 FEET TO THE PLACE OF BEGINNING.

R-035  
 All of  
 (010)  
 026051

Permanent Parcel #: 010-026051-00

Subject to and together with all easements, restrictions and legal highways, if any, of record.

Prior Instrument Reference: Instrument Number 201108100099374

DECLARATION VERIFIED  
 DEAN C. RINGLE, P.E., P.S.  
 BY: [Signature]  
 DATE: 03-02-2012

Special Warranty Deed

C214-055



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: C

DATE: 10/29/14



Disclaimer

Scale = 30



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

DEPARTMENT OF  
DEVELOPMENT

Steven R. Schoeny, Director

RICHARD MENDOLA  
JANET MENDOLA  
4913 VICKSBURG LN.  
HILLIARD, OH 43026

**ZONING CODE VIOLATION ORDER**

An inspection has been made at 71 E COMO AVE on **July 21, 2014**.

As provided by the Columbus City Code you are hereby given notice to correct the alleged violations listed below within **30** calendar days of the service of this notice unless otherwise noted in this notice, or an approval for a written request for extension is granted by this office.

**Note: Failure to comply with this notice is a Misdemeanor of the First Degree and may be punishable by a \$1000 fine and 180 days imprisonment.**

If the facts represented here are incorrect, or if you believe the law is not being interpreted properly, you have the basis for an appeal. If you believe an appeal is in order, call the undersigned Property Maintenance Inspector. Pursuant to the Columbus City Code Section 3307.07: The Board of Zoning Adjustment shall not entertain any appeal applied for more than twenty (20) days after the date of this order. Also pursuant to Columbus City Code Section 3307.11: Said appeal shall be submitted on a form provided for that purpose and filed in the office of the Department of Building and Zoning Services.

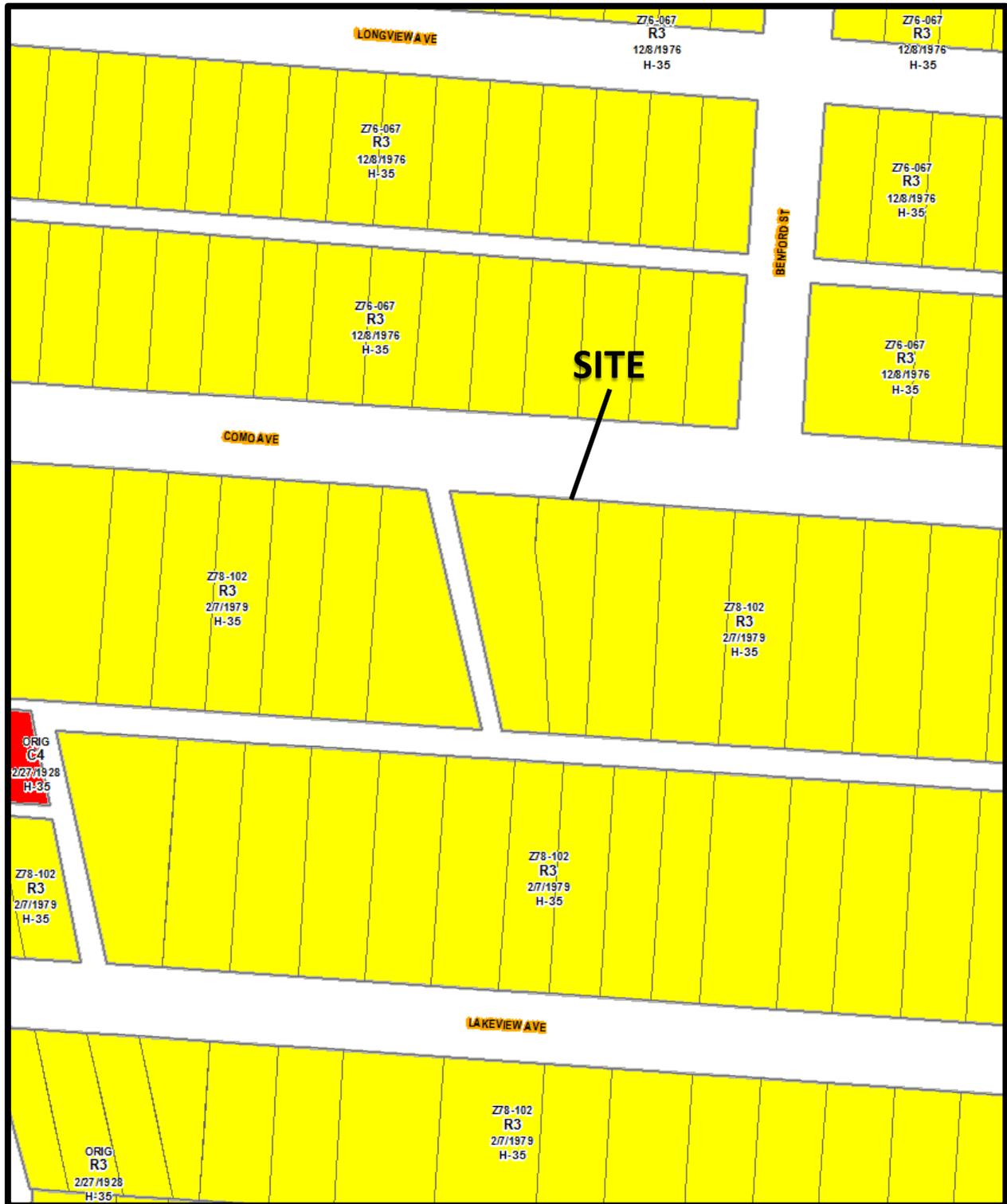
For further information on this notice contact the undersigned Code Enforcement Officer.

**SEE LIST OF VIOLATIONS ON THE ATTACHED PAGE(S)**

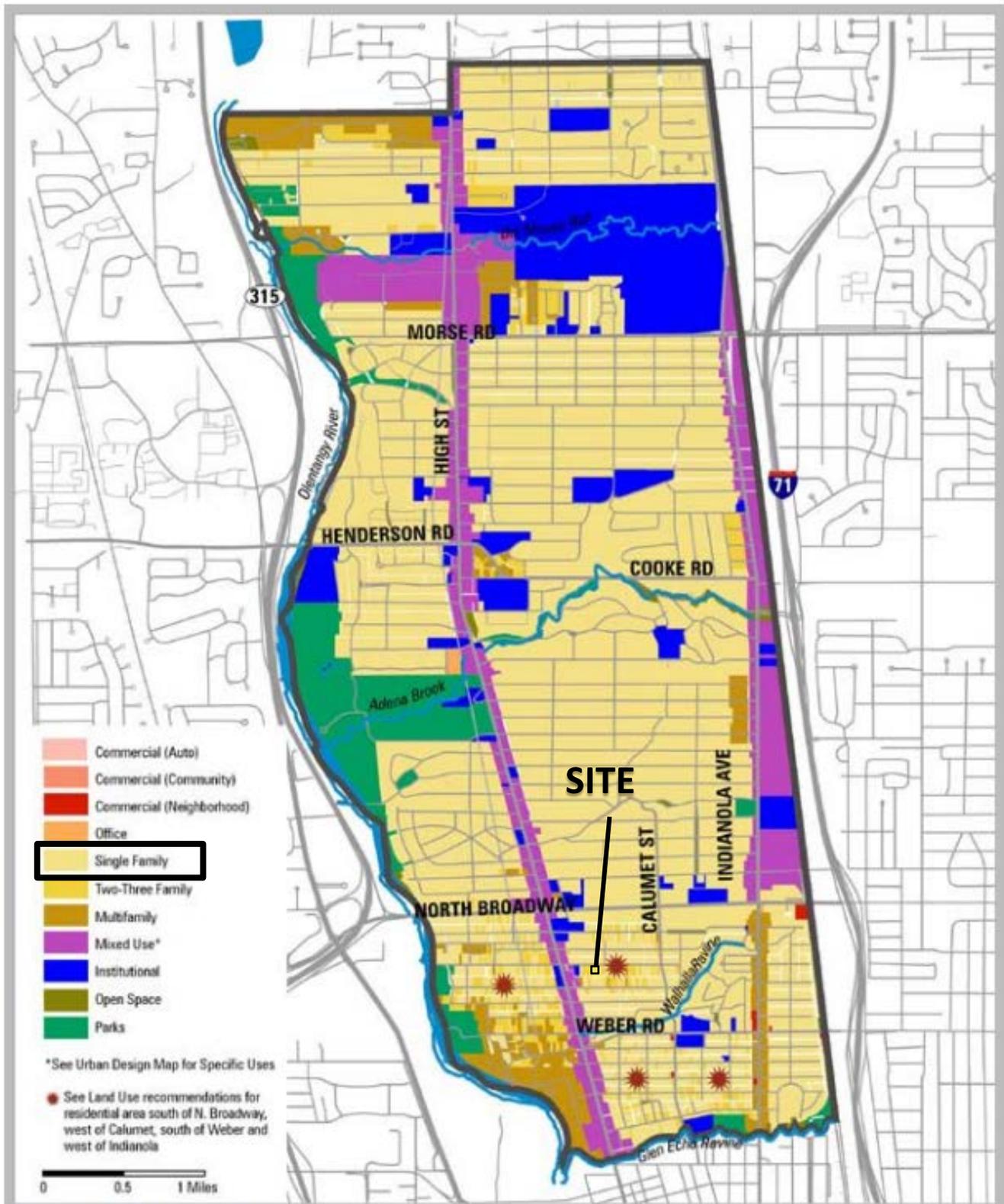
by Deborah D. Vandyke

Deborah Van Dyke  
Code Enforcement Officer  
Phone: 614-645-0154  
ddvandyke@columbus.gov  
757 Carolyn Avenue  
Columbus, Ohio 43224

| ITEM#                           | CODE SECTION                                   | COMMENTS   |
|---------------------------------|--|--|
| <b><u>Zoning Violations</u></b> |  |  |
| 1                               | <b>3305.01 Certificate of zoning clearance</b> | NO ZONING CLEARANCE OR VARIANCE APPROVAL FOR LOFT STYLE DWELLING UNIT ON PREMISES ABOVE GARAGE WHICH IS IN ADDITION TO ORIGINAL SINGLE FAMILY UNIT ON PARCEL IN AN R-3 ZONING DISTRICT.  |
| 2                               | <b>3332.035 R-3 residential district</b>       | LOFT STYLE DWELLING UNIT ON PREMISES ABOVE GARAGE IN ADDITION TO ORIGINAL SINGLE FAMILY UNIT - TWO DWELLING UNITS ON SAME PREMISES NOT PERMITTED IN AN R-3 ZONING DISTRICT.  |
|                                 |  | <p>A. In an R-3 residential district the following uses are permitted:</p> <ol style="list-style-type: none"> <li>1. One single-family dwelling;</li> <li>2. An agricultural use, farm, field crops, garden, greenhouse, nursery and a truck garden;</li> <li>3. A religious facility;</li> <li>4. A school;</li> <li>5. A public park, playground and recreation facility;</li> <li>6. A public library;</li> <li>7. A city approved soil conservation and watershed protection project, and water filter bed, reservoir and tower;</li> <li>8. An adult and child day care center as an accessory use when located within a school or religious facility building.</li> </ol> <p>B. Each use shall conform to respective area district standards unless otherwise specifically provided.</p> |



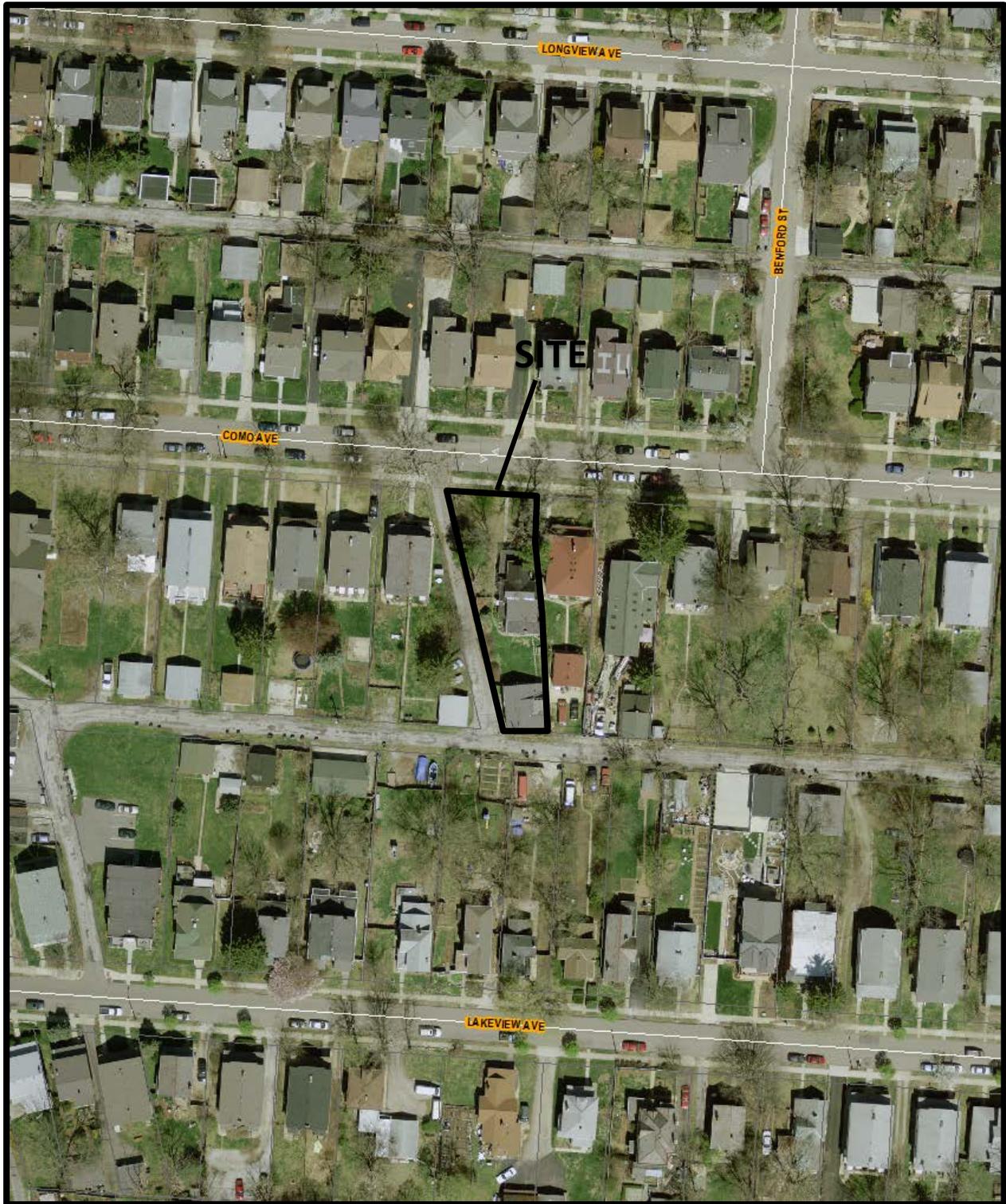
CV14-055  
 71 East Como Avenue  
 Approximately 0.21 acres



**Figure 10 : Land Use Plan**



CV14-055  
 71 East Como Avenue  
 Approximately 0.21 acres



CV14-055  
71 East Como Avenue  
Approximately 0.21 acres