



## 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: CV13-020 / 13315-00000-00

Date Received: 4/2/13

Application Accepted By: S. Pine

Fee: \$945

Comments: Assigned to Shannon Pine, 645-2208, spine@columbus.gov

### LOCATION AND ZONING REQUEST:

Certified Address (for Zoning Purposes) 106 EAST INNIS AVENUE Zip 43207

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: 010-023550

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

Current Zoning District(s): R-3

Civic Association or Area Commission: ~~N/A~~ COLUMBUS SOUTHSIDE AREA COMMISSION

Proposed use or reason for Council Variance request: CONVERT RESIDENCE TO THREE FAMILY RESIDENCE

Acreage: 0.088

**APPLICANT:** Name ONER M. KIRK

Address 992 MEDINAH TERRACE

City/State COLUMBUS/OH Zip 43235

Phone # 614-376-7659 Fax #

Email: ekirk@stantec.com

**PROPERTY OWNER(S):** Name ONER M. KIRK

Address 992 MEDINAH TERRACE

City/State COLUMBUS/OH Zip 43235

Phone # 614-376-7659 Fax #

Email: ekirk@stantec.com

☐ 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

PROPERTY OWNER 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.  
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Please make all checks payable to the Columbus City Treasurer



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C13-020

### 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:**

*see attached sheet.*

Signature of Applicant

*[Signature]*

Date

*4/1/2013*

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## Statement of Hardship

CJ13-020

Mr. Oner Kirk purchased this property in 2003, as a four family residence, and has been using the property as a four family rental ever since. In 2012, there was a fire in the building in the second floor front apartment. When he applied for a permit to renovate the unit, he discovered that the city's records noted this unit was a two family residence. We believe it was converted to a four family without permission possibly even prior to the previous owners purchase in 2002, and has been a four family for many years.

In discussions with the City of Columbus, they noted that the property can not be repaired until this zoning issue is resolved. Mr. Kirk has agreed to convert the top floor apartment to a single unit, so that the property will be a three family unit. Anything less than a three family is not economically feasible for Mr. Kirk to keep and maintain the property. He prefers to keep the property and believes his repaired and well maintained building will be an asset the neighborhood. He bought this building in good faith from the previous owner and was unaware of any zoning issues, and asks that the city take into account the history of use in granting this variance.



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### AFFIDAVIT

(See next page for instructions)

APPLICATION # CW13-020

STATE OF OHIO \_\_\_\_\_

COUNTY OF FRANKLIN \_\_\_\_\_

Being first duly cautioned and sworn (1) NAME ONER M. KIRK

of (1) MAILING ADDRESS 992 MEDINAH TERRACE, COLUMBUS, OHIO 43235

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 106 EAST INNIS AVENUE, COLUMBUS OH 43207,  
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) 4/2/13

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME  
AND MAILING ADDRESS

(4) ONER M. KIRK  
992 MEDINAH TERRACE, COLUMBUS, OH 43235

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

ONER M. KIRK  
614-376-7659

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

(5) COLUMBUS SOUTHSIDE AREA COMMISSION  
P.O. BOX 7846, COLUMBUS, OH 43207  
ATTN: CURTIS DAVIS, Chairman  
c.davis@team-icsc.com

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) [Signature]

Subscribed to me in my presence and before me this 1 ST. day of April, in the year 2013

SIGNATURE OF NOTARY PUBLIC

(8) [Signature]

My Commission Expires:

March 12, 2017

Notary Seal Here



Cassandra Canterbury  
Notary Public, State of Ohio  
My Commission Expires 03-12-2017

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APPLICANT  
Oner Kirk  
992 Medinah Ter  
Columbus, OH 43235

AREA COMMISSION OR  
NEIGHBORHOOD GROUP  
Col. Southside Area Commission  
P.O.Box 7846, Col. OH 43207  
Attn: Curtis Davis, Chairman

PROPERTY OWNER  
Oner Kirk  
992 Medinah Ter  
Columbus, OH 43235

C13-020

SURROUNDING PROPERTY OWNERS

RE-JO PROPERTIES LLC  
2396 Ziner Circle N.  
Grove City, OH 43123

VALIU NAZE  
4921 Mengel Lane  
Hilliard, OH 43026

CARPENTER INVESTMENTS LLC  
1460 Dickson Drive  
Columbus, OH 43228

SOUTHERN GATEWAY HOMES LLC  
5309 Transportation Blvd.  
Cleveland, OH 44125

KEVIN P SMITH  
68 108<sup>th</sup> Street Apt. #2F  
NY, NY 11375

ROBERT & KAREN NEYMEYER  
1734 S. Fourth St.  
Columbus, OH 43207

BRETT L RUTAN  
184 East Morrill Ave.  
Columbus, OH 43207

GEORGIA P LOCKWOOD  
JAMES T FRALEY  
103 East Innis Ave.  
Columbus, OH 43207

OHIO PROPERTIES LLC  
P.O. Box 5223  
Glendale, AZ 85312

SHERRY L MAYNARD  
RICHARD A LESLIE  
242 East Morrill Avenue  
Columbus, OH 43207

SYLVESTER HESS  
8369 Master Ct.  
Galloway, OH 43119

RICHARD M WEBER  
5039 Sharon Hill Drive  
Columbus, OH 43235



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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 # W13-020

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] ONER KIRK

Of [COMPLETE ADDRESS] 992 MEDINAH TERRACE, COLUMBUS, OH 43235

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>ONER KIRK</u><br><u>992 MEDINAH TERRACE</u><br><u>COLUMBUS, OH 43235</u><br><u>614-376-7659</u> | 2. |
| 3.  | 4. |

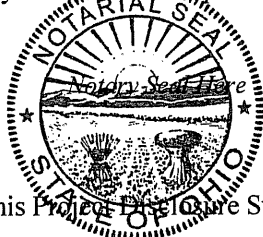
☐ Check here if listing additional parties on a separate page.

#### SIGNATURE OF AFFIANT

Subscribed to me in my presence and before me this 2ND day of APRIL, in the year 2013

SIGNATURE OF NOTARY PUBLIC

My Commission Expires:



DAVID J. ROURKE  
Notary Public, State of Ohio  
My Commission Expires  
08-09-2015

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

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# Myers Surveying Company, Inc.

2740 East Main Street, Columbus 43209 (Bexley), Ohio  
614-235-8677 FAX: 614-235-4559

A Mortgage Location Survey prepared for and certified to:  
**AmeriTitle, Inc. and/or Republic Savings Bank**

Legal Description: Situated in Ohio, County of Franklin, City of Columbus, Being Part of Lot 13 A. Linton's Fourth Street  
Subdivision, Plat Book 7 Page 136

Applicant: Kirk 20073 SRLH

Posted Address: 106 Innis Avenue, Columbus, Ohio

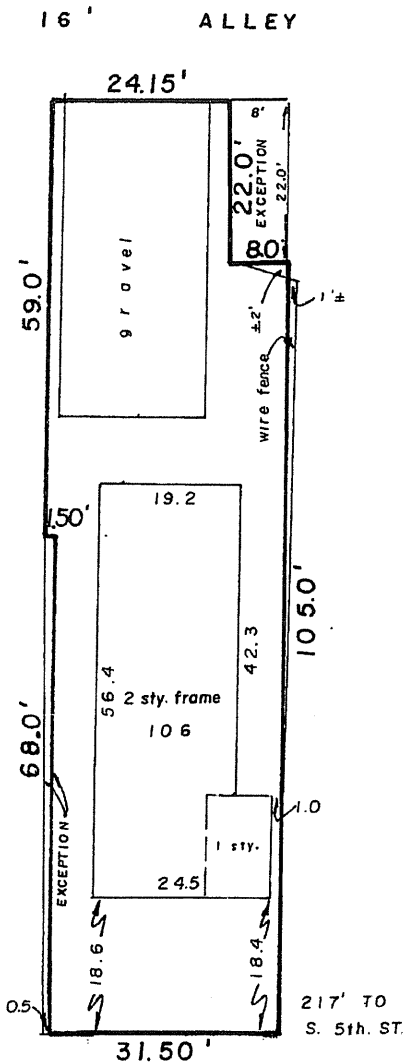
F.E.M.A. Flood Zone Designation: Flood Zone "X" as per F.I.R.M. 390170 0265G

Apparent Encroachments: 1) Fences not in conformance with legal description.



Scale: 1" = 20'

Date: 9-23-2003



WE HAVE RECEIVED A COPY OF  
THIS SURVEY AND FIND THE  
CONDITIONS ACCEPTABLE

*Olivia*



We hereby certify that the foregoing Mortgage Location survey was prepared from actual field measurements in accordance with Chapter 4733-38 Ohio Administrative Code, and is not a boundary survey pursuant to Chapter 4733-37 of said code.  
THE INFORMATION SHOWN HEREON IS NOT TO BE UTILIZED FOR THE INSTALLATION OF BUILDINGS, FENCES, LANDSCAPING OR OTHER PERMANENT IMPROVEMENTS.

Myers Surveying Co., Inc.

By *Joseph P. Myers*  
Professional Surveyor

Myers Order No. - 3-09/22/03

Rec.

Field

DWG

Ltr.

Ck.

# CITY OF COLUMBUS, OH

## HISTORY ADDRESS INQUIRY - ALL APPLICATIONS

| <u>ADDRESS 106 INNIS AV</u> |   |                |        | <u>ZIP CODE</u> |         | <u>0</u> |        |
|-----------------------------|---|----------------|--------|-----------------|---------|----------|--------|
| INTERSECTION                |   |                |        | SUB-DIV         |         | 0        |        |
| PARCEL NO                   | 010-023550  | HIST-PROP      | CENSUS | 0               |         |          |        |
| HIST-DIST                   |   | BLOCK          | 0      | LOT NO          |         |          |        |
| PERMIT ID                   | E9802650  | RES/COMM       | RES    | # OF UNITS      | 1       | VALUE    | 0      |
| CREATE DATE                 | 04-20-98  | NEW/RPLC/ALTER | ALTR   | CONT. LIC. #    | E0816   |          |        |
| PERMIT TYPE                 | E   | C-40 CODE      |        | OBBC            |         |          |        |
| DESCRIPTION                 |   |                |        |                 |         |          |        |
| PERMIT ID                   | B9802166  | RES/COMM       | RES    | # OF UNITS      | 1       | VALUE    | 10,000 |
| CREATE DATE                 | 03-24-98  | NEW/RPLC/ALTER | REPR   | CONT. LIC. #    | X014417 |          |        |
| PERMIT TYPE                 | B   | C-40 CODE      | 434    | OBBC            | R4;5B   |          |        |
| DESCRIPTION                 | INTERIOR FIRE DAMAGE ON A FRAME 2 STRY SINGLE FAM DWG |                |        |                 |         |          |        |
| PERMIT ID                   | DUSB17661   | RES/COMM       |        | # OF UNITS      | 0       | VALUE    | 0      |
| CREATE DATE                 | 05-16-88  | NEW/RPLC/ALTER |        | CONT. LIC. #    |         |          |        |
| PERMIT TYPE                 | DJ  | C-40 CODE      |        | OBBC            |         |          |        |
| DESCRIPTION                 | LICENSED FACILITY, SEE DUSB17661 IN RHFILE            |                |        |                 |         |          |        |
| PERMIT ID                   | 31800   | RES/COMM       |        | # OF UNITS      | 0       | VALUE    | 0      |
| CREATE DATE                 | 08-03-58  | NEW/RPLC/ALTER |        | CONT. LIC. #    |         |          |        |
| PERMIT TYPE                 | E   | C-40 CODE      |        | OBBC            |         |          |        |
| DESCRIPTION                 |   |                |        |                 |         |          |        |
| PERMIT ID                   | 81261   | RES/COMM       |        | # OF UNITS      | 0       | VALUE    | 0      |
| CREATE DATE                 | 05-10-53  | NEW/RPLC/ALTER |        | CONT. LIC. #    |         |          |        |
| PERMIT TYPE                 | E   | C-40 CODE      |        | OBBC            |         |          |        |
| DESCRIPTION                 |   |                |        |                 |         |          |        |
| PERMIT ID                   | 47235   | RES/COMM       |        | # OF UNITS      | 0       | VALUE    | 0      |
| CREATE DATE                 | 09-21-45  | NEW/RPLC/ALTER |        | CONT. LIC. #    |         |          |        |
| PERMIT TYPE                 | H   | C-40 CODE      |        | OBBC            |         |          |        |
| DESCRIPTION                 |   |                |        |                 |         |          |        |

|           |          |           |          |           |          |
|-----------|----------|-----------|----------|-----------|----------|
| DATE      | 12-08-97 | DATE      | 12-08-97 | DATE      | 08-16-95 |
| REQ. TYPE | O        | REQ. TYPE | O        | REQ. TYPE | O        |
| REQ. #    | H9710825 | REQ. #    | H9710824 | REQ. #    | H9505984 |
| STATUS    |          | STATUS    |          | STATUS    |          |
| DATE      | 12-19-86 |           |          |           |          |
| REQ. TYPE | S        |           |          |           |          |
| REQ. #    | H2450    |           |          |           |          |
| STATUS    |          |           |          |           |          |

CV13-020

CITY OF COLUMBUS, OH  
HISTORY ADDRESS INQUIRY - ALL APPLICATIONS

| <u>ADDRESS 106 E INNIS AV</u> |            | <u>ADDRESS 106 E INNIS AV</u> |       |
|-------------------------------|------------|-------------------------------|-------|
| INTERSECTION                  |            | HIST-PROP                     |       |
| PARCEL NO                     | 010-023550 | CENSUS                        | 6100  |
| HIST-DIST                     |            | BLOCK                         | 601   |
|                               |            | ZIP CODE                      | 43207 |
|                               |            | SUB-DIV                       | 0     |
|                               |            | LOT NO                        |       |

|           |          |           |          |           |          |
|-----------|----------|-----------|----------|-----------|----------|
| DATE      | 04-21-97 | DATE      | 11-21-90 | DATE      | 05-03-89 |
| REQ. TYPE | O        | REQ. TYPE | O        | REQ. TYPE | O        |
| REQ. #    | H9703222 | REQ. #    | H9013259 | REQ. #    | Z8905654 |
| STATUS    |          | STATUS    |          | STATUS    |          |
| DATE      | 04-19-89 | DATE      | 01-19-89 | DATE      | 02-11-88 |
| REQ. TYPE | O        | REQ. TYPE | O        | REQ. TYPE | O        |
| REQ. #    | H8904844 | REQ. #    | Z8900945 | REQ. #    | H12603   |
| STATUS    |          | STATUS    |          | STATUS    |          |
| DATE      | 01-21-87 | DATE      | 11-11-77 |           |          |
| REQ. TYPE | O        | REQ. TYPE | O        |           |          |
| REQ. #    | H5150    | REQ. #    | H7805784 |           |          |
| STATUS    |          | STATUS    |          |           |          |

Property Report

Generated on 04/04/13 at 03:20:25 PM

Parcel ID  
010-023550-00

Map Routing No  
010-K065 -078-00

Card No  
1

Location  
106 INNIS AV

GIS



Disclaimer

This drawing 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 drawing are notified that the public primary information source should be consulted for verification of the information contained on this drawing. The county and the mapping companies assume no legal responsibilities for the information contained on this drawing. Please notify the Franklin County GIS Division of any discrepancies.

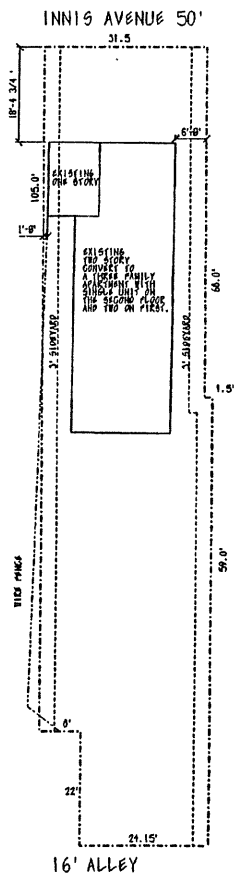
The information on this web site is prepared for the real property inventory within this county. Users of this data are notified that the public primary information source should be consulted for verification of the information contained on this site. The county and vendors assume no legal responsibilities for the information contained on this site. Please notify the Franklin County Auditor's Real Estate Division of any discrepancies.

CV13-020

JULIET BULLOCK ARCHITECTS, LLC  
182 WYANDOTTE RD  
COLUMBUS OH 43212  
614-935-0944  
BULLOCKJULIET@GMAIL.COM

# ZONING INFORMATION

772.002 RESIDENTIAL R3  
MINIMUM DISTANCE: 15-35  
LOT AREA: 10175 SF  
COLUMBUS SOUTH SIDE AREA COMMISSION  
CONVERT AN EXISTING FOUR FAMILY TO  
A THREE FAMILY RESIDENCE.  
PROPOSED VARIANCES  
3332.025 R3 RESIDENTIAL DISTRICT: USE  
TO ALLOW A THREE FAMILY RESIDENCE IN AN  
R3 DISTRICT.  
3312.15 R3 AREA DISTRICT REQUIREMENTS -  
TO ALLOW FOR LOT LESS THAN 5500 SF, SINCE  
EXCEPTION 3332.16 IS NOT APPLICABLE FOR  
A THREE FAMILY HOME.  
3332.26 MINIMUM SIDEYARD - TO ALLOW FOR  
EXISTING MINIMUM SIDEYARD OF 1' IN LIEU  
OF REQUIRED 3'  
PARKING CALCULATIONS  
REQUIRED SPACES FOR EXISTING FOUR FAMILY  
1.5 PER UNIT OR 6 SPACES  
REQUIRED SPACES FOR REMOVED THREE FAMILY  
2 PER UNIT OR 6 SPACES  
EXISTING SPACES = 0  
TOTAL NEW REQUIRED SPACES = 0



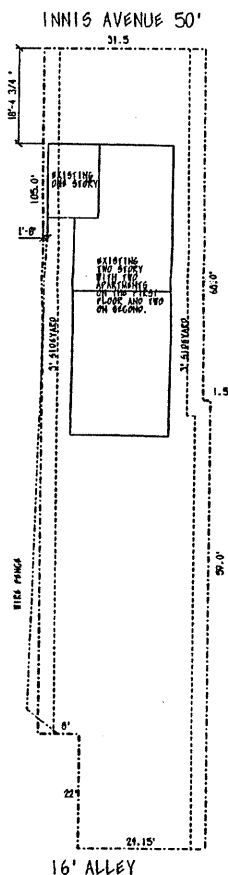
PROPOSED  
SITE PLAN

SCALE: 1" = 16'-0"



AS BUILT  
SITE PLAN

SCALE: 1" = 16'-0"



THE BUILDING AND SITE COMPLIANCE PLAN MEET ALL THE REQUIRED  
DEVELOPMENT STANDARDS. THE PROPOSED PROJECT WILL COMPLY  
WITH SECTIONS 3312 AND 3321 OF THE COLUMBUS CITY CODE AS  
APPLICABLE.

JULIET A. BULLOCK, ARCHITECT

DATE



MARCH 24, 2013

106 INNIS AVENUE



**CV13-020**



106 East Innis Avenue

CV13-020