

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

OFFICE USE ONLY

Application Number: CW14-041 (14315-00000-00543) Date Received: 8/5/14

Fee: \$320.00 Application Accepted by: S. Fine

Comments: Assigned to Eliza Thrush 614-645-1341  
ecthrush@columbus.gov

**LOCATION AND ZONING REQUEST**

Certified Address (for Zoning Purposes) 72 W. 2nd Avenue 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: 010-056731

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

Current Zoning District(s): ARLD

Civic Association or Area Commission: Victorian Village Commission

Proposed use or reason for Council Variance request: Please see attached statement

Acreage: 0.15± Acres

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**APPLICANT:** Name Mark T. Alderman

Address, City, State & Zip 72 West 2nd Avenue, Columbus, Ohio 43201

Phone # 614.466.5790 Fax # \_\_\_\_\_ Email malderma@columbus.rr.com

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**PROPERTY OWNER(S):** Name Mark T. Alderman

Address, City, State & Zip 72 West 2nd Avenue, Columbus, Ohio 43201

Phone # 614.466.5790 Fax # \_\_\_\_\_ Email malderma@columbus.rr.com

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**ATTORNEY/AGENT** (CHECK ONE IF APPLICABLE) ☒ Attorney ☐ Agent

Name Aaron L. Underhill, Attorney

Address, City, State & Zip Underhill Yaross LLC, 8000 Walton Pkwy, Ste 260, New Albany, OH 43054

Phone # 614.335.9320 Fax # 614.335.9329 Email aaron@underhillyaross.com

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**SIGNATURES** (ALL SIGNATURES MUST BE PROVIDED AND SIGNED IN BLUE INK)

Applicant Signature By: Aaron L. Underhill

Property Owner Signature By: Aaron L. Underhill, Attorney for Owner  
Aaron L. Underhill, Attorney for Owner

Attorney/Agent Signature By: Aaron L. Underhill, Attorney for Owner Aaron L. Underhill

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.

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**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**

CV 14-041

## 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 the attached statement.

Signature of Applicant

By:

  
Aaron J. Underhill, Attorney for Applicant

Date

8/4/14

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**COUNCIL VARIANCE APPLICATION****72 W. 2<sup>ND</sup> AVENUE****Summary of Variances Requested; Hardship Statement**

The property that is the subject of this application has an ARLD zoning classification in the City of Columbus. A single-family residence is located on the property. The applicant seeks to demolish an existing garage and construct a coach house in its place on the rear of the property in accordance with the accompanying plans. The plans result in the need for the following variances:

- (1) Variance from Columbus City Code Section 3333.02 to allow a second dwelling unit (i.e., the carriage house) on a parcel with an ARLD zoning classification.
- (2) Variance from Columbus City Code Section 3333.09 to reduce the minimum lot width required for construction of a residence from 50 feet to the existing condition of 44 feet. This variance applies to both the existing residence on the property and the proposed coach house.
- (3) Variance from Columbus City Code Section 3333.11 to reduce the required lot area per dwelling unit from 2,500 square feet to 1,200 square feet.
- (4) Variance from Columbus City Code Section 3333.16 to eliminate the requirement, with respect to the proposed coach house, that each dwelling on the property shall front on a public street.
- (5) Variance from Columbus City Code Section 3333.22 to reduce the required maximum side yard required for the existing home and proposed coach house from 8.8 feet to 5 feet on the east side of the property, and to reduce the required maximum side yard required for the proposed coach house from 8.8 feet to 3 feet on the west side of the property
- (6) Variance from Columbus City Code Section 3333.23 to reduce the required minimum side yard required for the existing home and proposed coach house from 5 feet to 3 feet on the west side of the property.
- (7) Variance from Columbus City Code Section 3333.24 to reduce the required rear yard setback for the coach house to one (1) foot.
- (8) Variance from Columbus City Code Section 3312.49 to reduce the required number of off-street parking spaces from 4 to 3.
- (9) Variance from Columbus City Code Section 3333.15(c) to increase the maximum lot coverage permitted on the property from 50% to 55%.

**Statement of Hardship**

The applicant seeks to construct a coach house on the rear of his lot in accordance with recent development patterns on other properties in the area. Recently, variances were granted by the City to permit construction of a second residence on similarly situated property located nearby at 76 W. 2<sup>nd</sup> Street. This application presents similar variance requests.

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An existing single-family residence with a footprint area of 1,327 square feet is located on the front of the subject property and is served by an existing garage on the rear of the lot. The applicant's plans call for the demolition of the existing garage with a coach house to be constructed in its place. The coach house will be 2 stories in height and will contain three garage bays on the first floor with a small amount of residential space with the primary portion of the residence to be located on the second floor. The new building will have a footprint area of 841 square feet. The plans for improvement of the property also contemplate the future installation of a plunge pool between the existing residence and the new coach house.

The variance to allow for a second dwelling unit will allow improvements to the property to be made which are consistent with development trends on similarly situated lots in the area. A number of lots in this neighborhood contain a primary residence along with a second stand-alone dwelling unit. The thin rectangular shape of this property yields a need for adjustments in required setbacks. The variance that is requested for an adjustment in lot width will clean up an existing legal nonconformity that has not been created with the new proposed improvements to the site. Placement of the new carriage home at the rear lot line represents a continuance and slight improvement of an existing condition on the property that is present with the garage that is to be demolished. The rear alley, while private, provides de facto street frontage for the new structure and provides access directly to it. This supports the variance to the frontage requirement for the new dwelling.

The reduction in the area required for development on this lot is consistent with conditions throughout this neighborhood. The new carriage house will provide for 3 garage bays and will yield three off-street parking spaces. While the Code requires two off-street spaces per dwelling unit, the urban nature of this site, when combined with the relatively small amount of square footage to be contained within the carriage house, indicates that there is no need for the extra parking space. It is unlikely that the number of residents on this site will support the need to accommodate an extra vehicle. The slight increase in permissible lot coverage will enable the applicant to provide additional accessory features on the property such as a plunge pool, patio space, or similar features.

The variances being requested will not impair the adequate supply of air and light to adjacent properties, unreasonably increase the congestion of public streets, increase the danger of fires, endanger then public safety, or unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus. The proposed improvement of the property and the resulting variances are consistent with existing conditions in the neighborhood and will, in most respects, improve the current condition of this property in particular. The aesthetics of the neighborhood will be enhanced while the most productive use of the property can be realized.

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

**AFFIDAVIT**

(See next page for instructions)

APPLICATION #

CV 14-041

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Aaron L. Underhill

of (1) MAILING ADDRESS Underhill Yaross LLC, 8000 Walton Pkwy, Ste 260, New Albany, OH 43054  
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 72 West 2nd Avenue

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)

August 5, 2014

(THIS LINE TO BE FILLED OUT BY CITY STAFF)

SUBJECT PROPERTY OWNERS NAME

(4) Mark T. Alderman

AND MAILING ADDRESS

72 West 2nd Avenue, Columbus, Ohio 43201

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

Mark T. Alderman 614.466.5790

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

(5) Victorian Village Commission

James A. Goodman, City Asst. Historic Preservation Officer  
50 W. Gay St., 4th Floor, Columbus, Ohio 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)

Aaron L. Underhill

Subscribed to me in my presence and before this 4<sup>th</sup> day of

August, in the year 2014

(8)

Melissa D. Bickford



NOTARY PUBLIC  
Commission Expires:

5/17/17

MELISSA D. BICKFORD  
NOTARY PUBLIC, STATE OF OHIO  
MY COMMISSION EXPIRES MAY 17, 2017

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CV14-041

STAPLES

APPLICANT/OWNER:

Mark T. Alderman  
72 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

AGENT:

Charles Kuhlman  
Architect  
Segna Associates, Inc.  
781 Northwest Boulevard, #201  
Columbus, Ohio 43212

AREA COMMISSION OR  
NEIGHBORHOOD GROUP:

Victorian Village Commission  
c/o James A. Goodman  
Asst. Historic Preservation Officer  
City of Columbus  
50 West Gay Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

SURROUNDING PROPERTY  
OWNERS:

Richard Leyshon, Tr.  
76 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

North Campus Rental, Et Al.  
c/o Northsteppe Realty  
Attn: Diana Hawks  
10 East 17<sup>th</sup> Avenue  
Columbus, Ohio 43201

Joanne Goldhand  
Edward Darms  
90 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Julia Rupp  
96 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

David W. Smith  
66 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Sebastian and Rebecca Ibel  
60 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

William and Joyce Martin  
54 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Shaw Davis Co.  
50 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Solar Investments, Inc.  
381 West 3<sup>rd</sup> Avenue  
Columbus, Ohio 43201

Danny Stout  
David Snow  
77 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Martha Gulati  
Gareth Gwyn  
73 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Nancy Noble  
D.S. Baird Pud  
67 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Richard E. Jacob, Tr.  
61 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Michael Oram  
354 West Sixth Avenue  
Columbus, Ohio 43201

Ross and Kathleen Rhinehart  
51 West 2<sup>nd</sup> Avenue  
Columbus, Ohio 43201

Gary and Julia Hickman  
877 Lookout Point  
Columbus, Ohio 43235

Richard and Stephanie Herman  
49 West Starr Avenue  
Columbus, Ohio 43201

Anthony Iacovetta, Su-TR  
2525 Fisher Road  
Columbus, Ohio 43204

Bacon Enterprises  
c/o Pella Company  
George Bavelis  
52 East 15<sup>th</sup> Avenue  
Columbus, Ohio 43201

LS Star 71 LLC  
1020 Dennison Avenue, Suite 102  
Columbus, Ohio 43201

STAPLES

CW14-041

**EXHIBIT "A"**

**SITUATED IN THE COUNTY OF FRANKLIN, IN THE STATE OF OHIO AND IN THE CITY OF COLUMBUS:**

**BEING TWO (2) FEET OFF OF THE WEST SIDE OF LOT NUMBER SEVEN (7) AND ALL OF LOT NUMBER EIGHT (8) OF E.G. ROBERTS' SUBDIVISION OF LOT 4 AND A PART OF LOT NO. 17 OF JOS. R. STARR'S ADMINISTRATOR'S SUBDIVISION OF THE STARR FARM, AS THE SAME IS NUMBERED AND DELINEATED UPON THE RECORDED PLAT THEREOF, OF RECORD IN PLAT BOOK 4, PAGE 38, RECORDER'S OFFICE, FRANKLIN COUNTY, OHIO.**

**PARCEL NUMBER: 010-58731**

**PROPERTY ADDRESS: 72 WEST SECOND AVENUE, COLUMBUS, OHIO 43207**

**COUNCIL VARIANCE APPLICATION**

**Department of Building & Zoning Services**

Scott Messer, Director

757 Carolyn Avenue, Columbus, Ohio 43224-3218

Phone: 614-645-7433 www.columbus.gov

**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 # W14-041

STATE OF OHIO

COUNTY OF FRANKLIN

Being first duly cautioned and sworn [NAME] Aaron L. Underhill

Of [COMPLETE ADDRESS] Underhill Yaross LLC, 8000 Walton Pkwy, Suite 260, New Albany, Ohio 43054

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. Mark T. Alderman 72 West 2nd Avenue Columbus, Ohio 43201	2.
3.	4.

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

SIGNATURE OF AFFIANT

Aaron L. Underhill

Subscribed to me in my presence and before this 4<sup>th</sup> day of August, in the year 2014

OF NOTARY PUBLIC

Melissa D. Bickford

5/17/17



MELISSA D. BICKFORD  
NOTARY PUBLIC/STATE OF OHIO  
MY COMMISSION EXPIRES MAY 17, 2017

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

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# City of Columbus Zoning Plat



CW14-041

## 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: 010056731

Zoning Number: 72

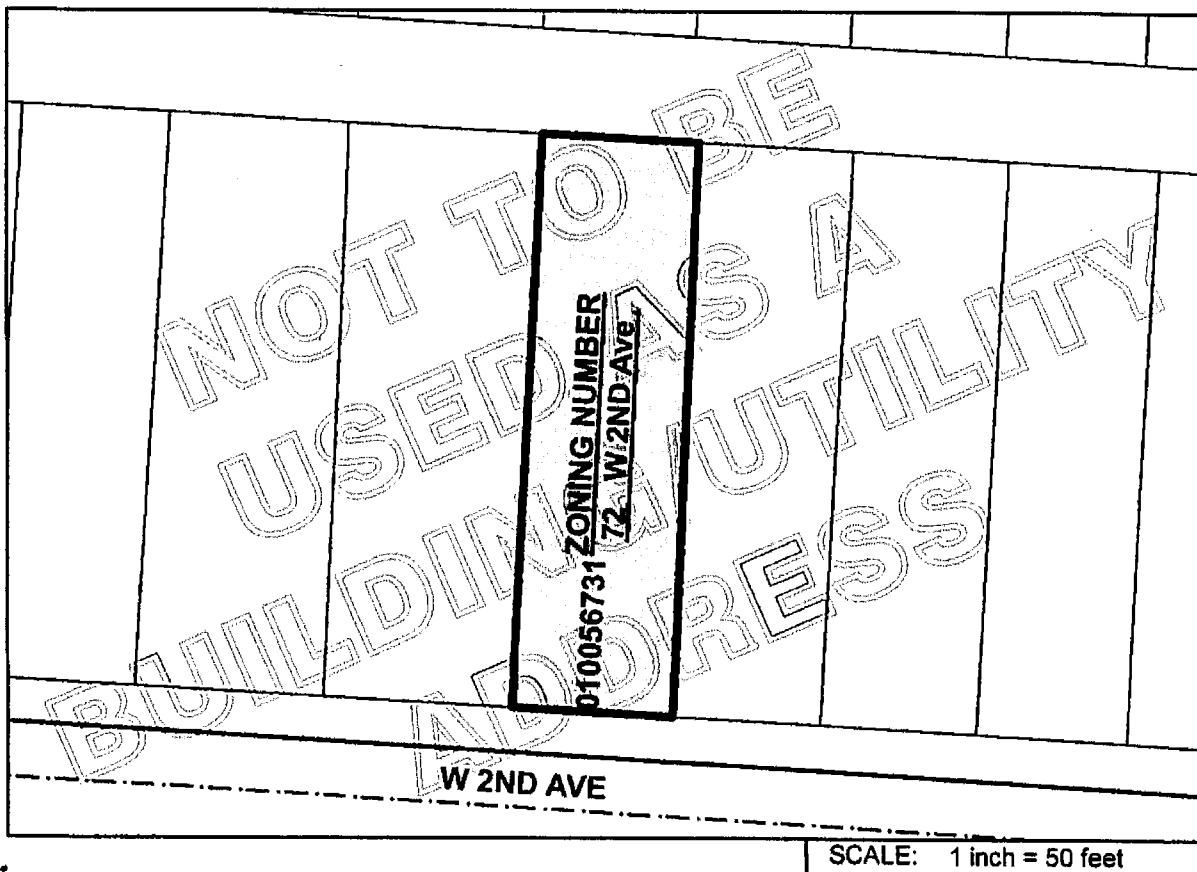
Street Name: W 2ND Ave

Lot Number 7

Subdivision: ROBERTS

Requested By: UNDERHILL LAW OFFICE LLC. (AARON L. UNDERHILL)

Issued By: Patricia A. Austin Date: 1/22/2014



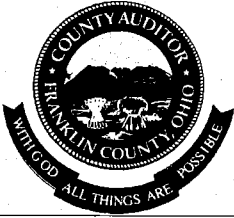
SCALE: 1 inch = 50 feet

GIS FILE NUMBER: 17069



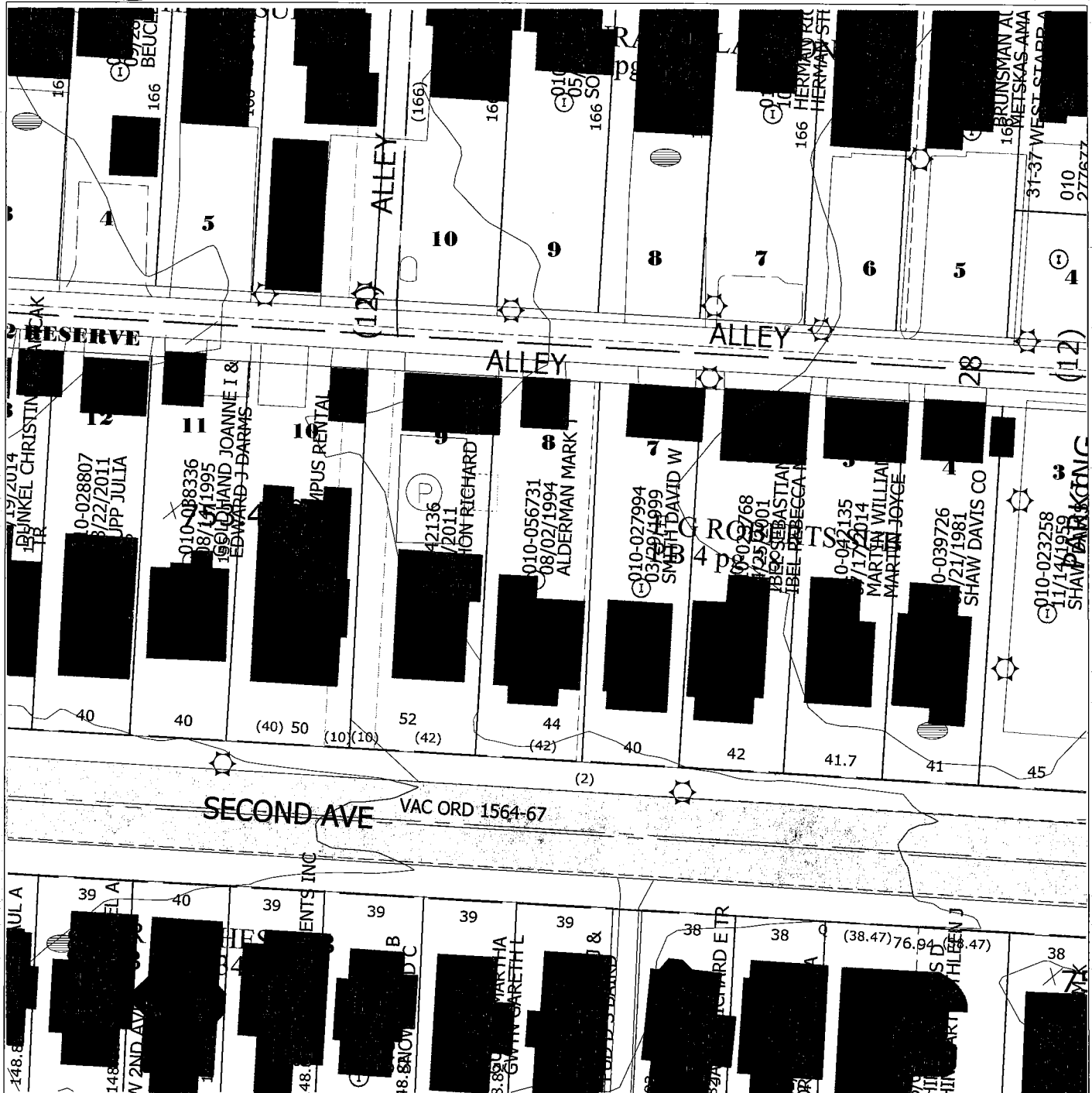
PATRICIA A. AUSTIN, P.E., ADMINISTRATOR  
DIVISION OF PLANNING AND OPERATIONS  
COLUMBUS, OHIO

CV14-041



# CLARENCE E MINGO II FRANKLIN COUNTY AUDITOR

MAP ID: S      DATE: 7/29/14



Disclaimer

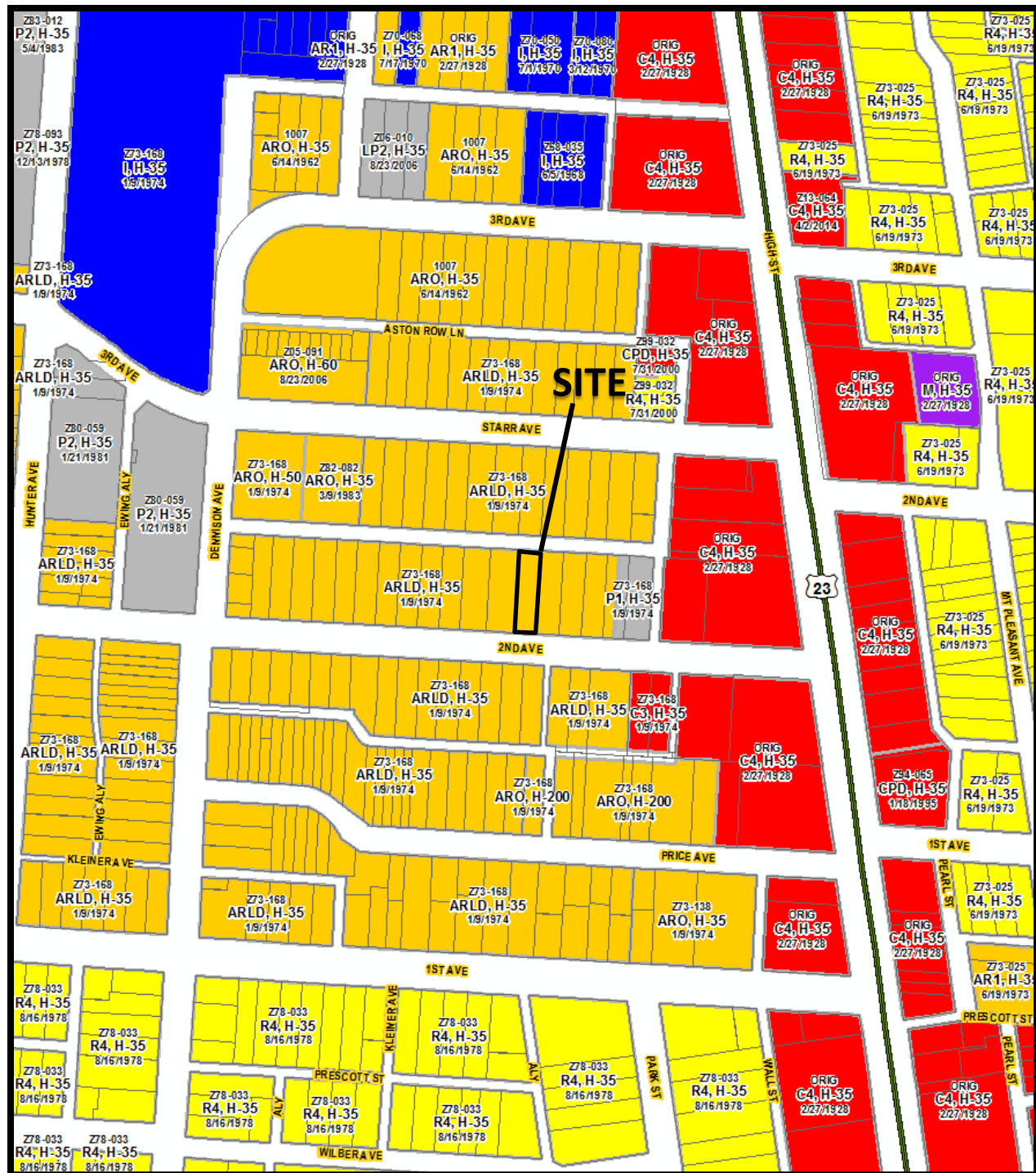
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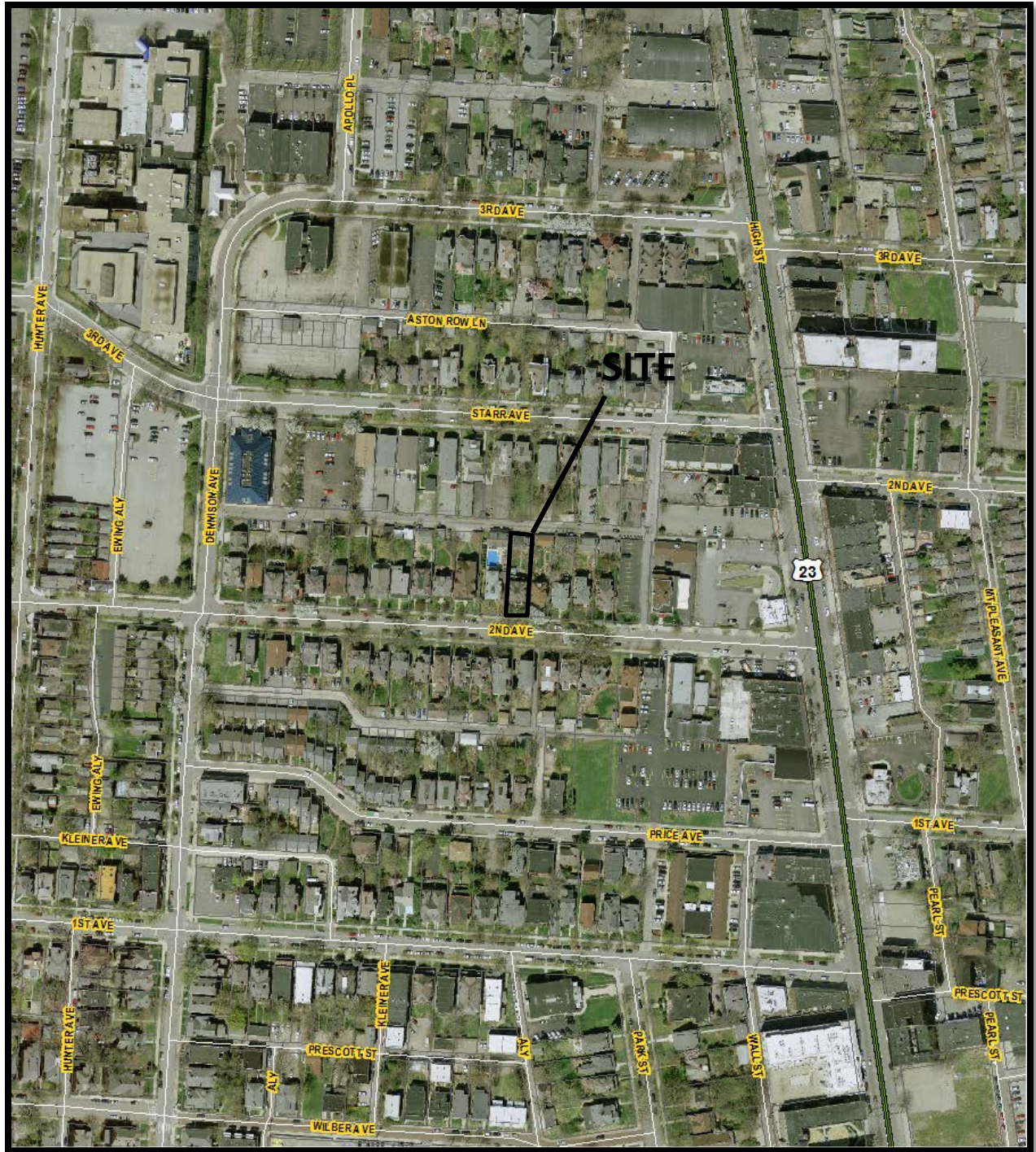
This map is prepared for the real property inventory within this county. It is compiled from recorded deeds, survey plats, and other public records and data. Users of this map are notified that the public primary information sources should be consulted for verification of the information contained on 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





CV14-041  
 72 West Second Street  
 Approximately 0.15 acres



CV14-041  
72 West Second Street  
Approximately 0.15 acres