

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

OFFICE USE ONLY

Application Number: CV22-155 Date Received: 12/27/22
Application Accepted by: TD Fee: \$300
Assigned Planner: Joe Rose; 614-645-3526; jmrose@columbus.gov

LOCATION AND ZONING REQUEST:

Existing Address or Zoning Number: 202 East Mithoff Street, Columbus, OH Zip: 43206

Is this application being annexed into the City of Columbus? YES NO (select one)
If the site is currently pending annexation, the Applicant must show documentation of County Commissioner's adoption of the annexation petition.

Parcel Number for Address or Zoning Number: 010 - 001074

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

Current Zoning District(s): R - 2F Acreage: 0.10

Neighborhood Group: Columbus Southside Area Commission

Proposed Use or reason for request: See Exhibit B

(Elaborate in Statement of Hardship)

APPLICANT:

Applicant Name: Nicholas P. Schubert; c/o Dave Perry Phone Number: (614) 228-1727 Ext.: --

Address: David Perry Company, Inc.; 411 East Town St, Fl 1 City/State: Columbus, OH Zip: 43215

Email Address: dave@daveperryco.net

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

Name: Nicholas P. Schubert and Melissa J. Salmon Phone Number: (614) 440-9768 Ext.: --

Address: 202 East Mithoff Street City/State: Columbus, OH Zip: 43206

Email Address: nschubert1@gmail.com

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

Name: Donald Plank Phone Number: (614) 947-8600 Ext.: --

Address: Plank Law Firm, 411 East Town Street, Floor 2 City/State: Columbus, OH Zip: 43215

Email Address: dplank@planklaw.com

SIGNATURES:

APPLICANT SIGNATURE Nicholas P. Schubert by David B. Perry, Agent

PROPERTY OWNER SIGNATURE Nicholas P. Schubert and Melissa J. Salmon by David B. Perry, Agent

ATTORNEY / AGENT SIGNATURE Donald Plank

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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STATEMENT OF HARDSHIP

APPLICATION #: CV22-155

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation 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 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 established property values within the surrounding area, or in any other respect impair the public health, safety, comfort, morals or welfare of the inhabitants of the city.

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 not included, a new application (and applicable fees) 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 Exhibit B

Signature of Applicant

Nicholas P. Schubert
by *David B. Perry*

Date

12/21/2022

Signature of Attorney

Donald Hawk

Date

12/21/2022

Exhibit B

Statement of Hardship

CV22-_____ , 202 E. Mithoff Street

The site is PID: 010-001074 located on the north side of E. Mithoff Street, 34' +/- east of Jaeger Street. The property is zoned R-2F, Residential District. The site is developed with a single family dwelling and detached garage. The surrounding area is characterized as a range of residential uses including single family, two family and multi-family uses, as well as commercial uses.

Applicant proposes to build a second story on the existing detached garage to add a dwelling unit. The footprint of the garage won't be changed with the second story addition for the proposed dwelling unit. The proposed rear 2 story carriage house will have the existing 2 parking spaces on the ground level and the dwelling unit with the new second story.

Applicant has hardship in that there is no means other than a variance to permit two detached dwellings on the same parcel. The R-2F district permits single and two (2) unit buildings but not separate detached dwelling units on the same parcel. There have been many approved applications for a carriage house on both the same lot and with lot splits in this and other older urban neighborhoods. The standards variances are typical of the mid-town area of Columbus for older neighborhoods built prior to Columbus adopting zoning (1928). The requested variances are not substantial, represent existing and/or similar conditions as existing construction pre-dating the current Zoning Code or by variance, will not alter the essential character of the neighborhood, will not affect the delivery of government services, the variances are required for reasonable use of the property and are consistent with the spirit of the zoning requirement.

Applicant requests the following variances:

- 1). Section 3332.037, R-2F, Residential District, to permit two (2) detached dwelling units on the same parcel, consisting of a dwelling fronting E Mithoff Street and a rear carriage house/garage with one (1) dwelling unit added by building a second story on the existing detached garage, both as depicted on the Site Plan.
- 2). Section 3312.49, Minimum Numbers of Parking Spaces Required, to reduce parking for two dwelling units from 4 spaces to 2 spaces.
- 3). Section 3332.05, Area District Lot Width Requirements, to reduce the lot width from 50 feet to 33.66 feet (existing).
- 4). Section 3332.14, R-2F Area District Requirements, to reduce lot area from 6,000 square feet required for a principal building to 4,356 SF +/- lot area (existing) and to permit lot area of 3,398 SF based on Section 3332.19(C), Basis of Computing Area, which limits area to 3 times the lot width.
- 5). Section 3332.19, Fronting, to permit the carriage house to not front on a public street (Nursery Lane, 19.65').
- 6). Section 3332.25, Maximum Side Yards Required, to reduce total side yard for the carriage house from 6.74' to 6.0'.

7). Section 3332.26, Minimum Side Yard Permitted, to reduce the west side yard of the existing single family dwelling (202 E Mithoff) from 3' to 0' (existing).

8). Section 3332.27, Rear Yard, to reduce rear yard from 25% of lot area behind each dwelling to 22% for the existing house fronting E. Mithoff Street and 0% for the carriage house to permit rear yards as depicted on the Site Plan.

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AFFIDAVIT

APPLICATION #: CV22- 155

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME David B. Perry
of (1) MAILING ADDRESS David Perry Company, Inc., 411 East Town Street, Floor 1, Columbus, 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 the name(s) and mailing address(es) of all the owners of record of the property located at

(2) per PROPERTY ADDRESS or ZONING NUMBER 202 East Mithoff Street, Columbus, OH 43206

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

SUBJECT PROPERTY OWNER'S NAME
AND MAILING ADDRESS

(3) Nicholas P. Schubert, Melissa J. Salmon
202 East Mithoff Street
Columbus, OH 43206

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

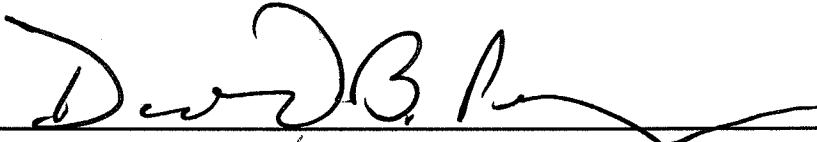
APPLICANT'S NAME AND PHONE #
(same as listed on front application)

Nicholas P. Schubert
c/o Dave Perry, (614) 228-1727

NEIGHBORHOOD GROUP
ZONING CHAIR OR CONTACT PERSON
AND EMAIL ADDRESS

(4) Columbus Southside Area Commission
c/o Kathy Green, Zoning Chair
Email: kathrynfgreen@gmail.com

and that the attached document (5) 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.

SIGNATURE OF AFFIANT 

Sworn to before me and signed in my presence this 21st day of December, in the year 2022

(6) SIGNATURE OF NOTARY PUBLIC 

Notary Seal Here
My Commission Expires _____



MaryAlice Wolf
Notary Public, State of Ohio
My Commission Expires October 24, 2023

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

Exhibit A, Public Notice List
202 East Mithoff Street
CV22-155
December 21, 2022

APPLICANT:

Nicholas P. Schubert
c/o Dave Perry, Agent
411 East Town Street, Floor 1
Columbus, OH 43215

PROPERTY OWNER:

Nicholas P. Schubert and
Melissa J. Salmon
202 East Mithoff Street
Columbus, OH 43206

ATTORNEY:

Donald Plank
Plank Law Firm
411 East Town Street, Floor 2
Columbus, OH 43215

COMMUNITY GROUP:

Columbus Southside Area Commission
c/o Kathy Green
458 East Whittier Street
Columbus, OH 43206

Columbus Southside Area Commission
c/o Carly Maggio
410 E Kossuth St
Columbus, OH 43206

SURROUNDING PROPERTY OWNERS WITHIN 125 FEET

Steven C. Dornbusch
(or current occupant)
2787 Eastcleft Drive
Columbus, OH 43221

David M. Johnston, Christiane E. Buuck
(or current occupant)
1156 Jaeger Street
Columbus, OH 43206

Historical Homes IV, LLC
13000 Bevelhymer Road
Westerville, OH 43081

Historical Homes V, LLC
12988 Bevelheimer Road
Westerville, OH 43081

Harpster Farms, Inc.
2230 Forest Hill Drive
Ontario, OH 44903

Eha & Hilja Konze
(or current occupant)
1321 Westphal Avnue
Columbus, OH 43227

Kman Properties, LLC
2831 East Main Street
Columbus, OH 43209

Richard C. Rose, Kummi Ranjit
(or current occupant)
234 Nursery Lane
Columbus, OH 43206

Kaitlin Kavanagh, Connor Mills
(or current occupant)
220 East Mithoff Street
Columbus, OH 43206

Tracy L. Studer
(or current occupant)
216 East Mithoff Street
Columbus, OH 43206

Kyle Green
Gunzelman Architecture
333 Stewart Avenue
Columbus, OH 43206

202 East Mithoff Street
CV22-155; December 21, 2022
Exhibit A, Public Notice List
Page 1 of 2

Nicholas C. Levine
(or current occupant)
1172 Jaeger Street
Columbus, OH 43206

Susanne Curran
(or current occupant)
210 East Mithoff Street
Columbus, OH 43206

Cole, Lauren Moffatt
(or current occupant)
301 Tappan Street
Columbus, OH 43201

John L. Strickler, M. Serena
(or current occupant)
217 East Mithoff Street
Columbus, OH 43206

Pamela E. Bentley
(or current occupant)
211 East Mithoff Street
Columbus, OH 43206

Everett Holdings, LLC
P.O. Box 10264
Columbus, OH 43201

Lauren M. Guite
(or current occupant)
203 East Mithoff Street
Columbus, OH 43206

Ryan F. Shartle
(or current occupant)
199 East Mithoff Street
Columbus, OH 43206

Marissa B. Davis
(or current occupant)
195 East Mithoff Street
Columbus, OH 43206

Maria Khusid
(or current occupant)
193 East Mithoff Street
Columbus, OH 43206

Stacy B. Oberman
(or current occupant)
185 East Mithoff Street
Columbus, OH 43206

Michael E. Snyder
(or current occupant)
183 East Mithoff Street
Columbus, OH 43206

Bourg Jardin, LLC
106 East Mithoff Street
Columbus, OH 43206

Cory A. Shape
(or current occupant)
1169 Jaeger Street
Columbus, OH 43206

Brian T. Rudzik, Ashley M. Bartell
(or current occupant)
1161 Jaeger Street
Columbus, OH 43206

Ryan Gregg
(or current occupant)
1157 Jaeger Street
Columbus, OH 43206

Jar Properties, LLC
2248 Club Road
Columbus, OH 43221

Laurie Gunzelman
Gunzelman Architecture
333 Stewart Avenue
Columbus, OH 43206

Andrew Brush
(or current occupant)
1180 Jaeger Street
Columbus, OH 43206

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PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV22- 155

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.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 411 East Town Street, Floor 2, Columbus, 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 format:

Name of Business or individual (including contact name and number)
Business or individual's address; City, State, Zip Code
Number of Columbus-based employees
(Limited to 3 lines per box)

1. Nicholas P Schubert, Melissa J Salmon; 202 E Mit- hoff St., Cols, OH 43; # Cols based emps: Zero (0) Contact: Nicholas Schubert, (614) 440-9768	2. -----
3. -----	4. -----

Check here if listing additional parties on a separate page.

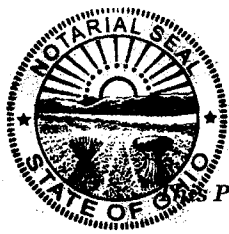
SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 21st day of December, in the year 2022

MaryAlice Wolf
SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires



MaryAlice Wolf
Notary Public, State of Ohio
My Commission Expires October 24, 2023

Project Disclosure Statement expires six (6) months after date of notarization.

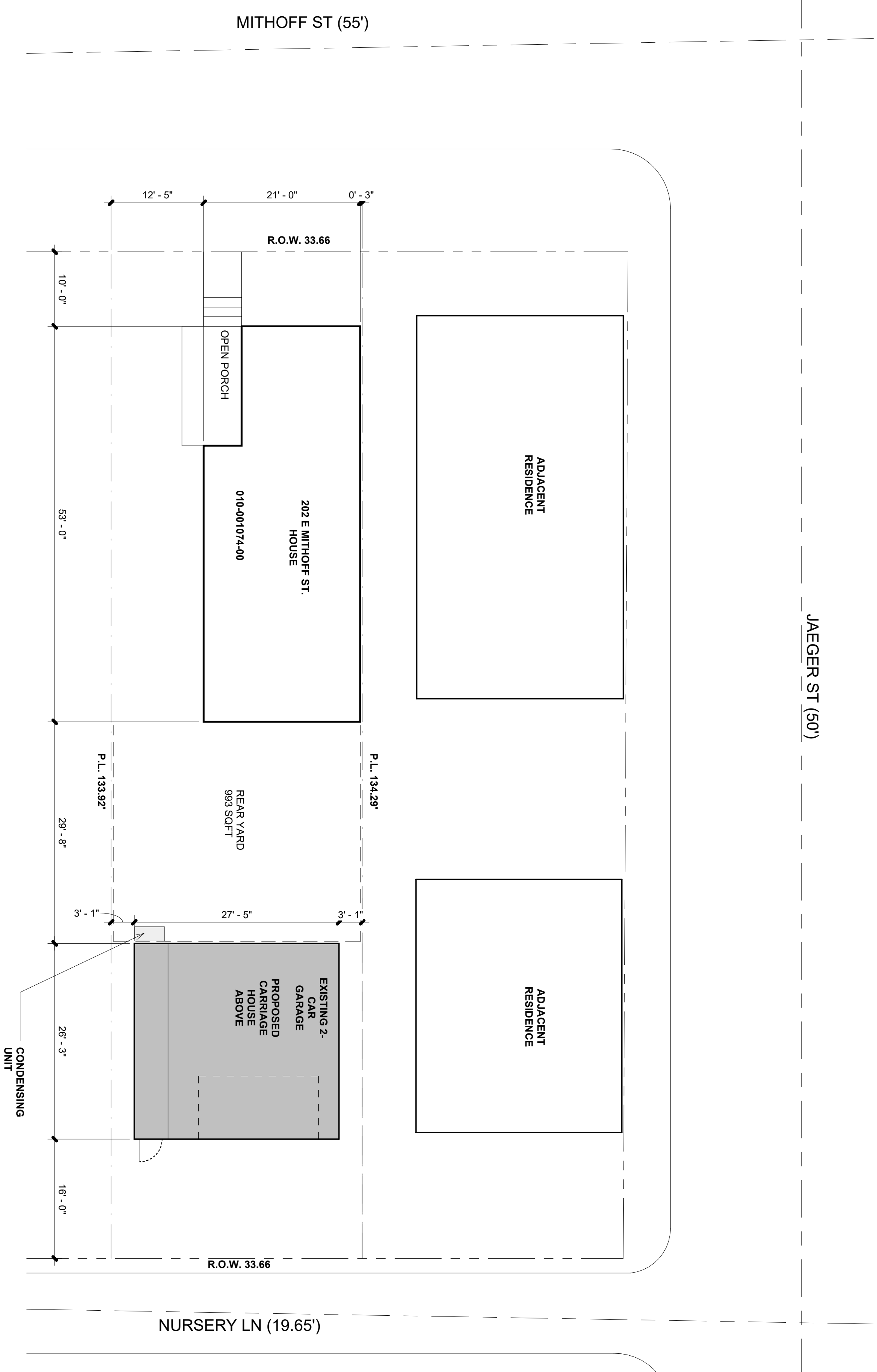
CV22-_____
202 East Mithoff Street
Legal Description

Situated in the State of Ohio, County of Franklin, and in the City of Columbus:

Being Lot Number Sixty Nine (69), of Mithoff's Addition to said City (being a subdivision of what is known as Hanford's Nursery), as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 371, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-001074-00
Known as: 202 E. Mithoff Street
Columbus, OH 43206

JAEGER ST (50')



1 SITE PLAN
SCALE: 1"=10'-0"

SITE ADDRESS: 202 E MITHOFF ST
COLUMBUS, OH 43206
TOTAL LOT AREA: 0.10 ACRES
TOTAL LOT AREA: 4366 SQ FT
ZONING: H-35 DISTRICT
EFFECTIVE: 2/22/2005
PARCEL #: 010-001074-00

PROJECT DESCRIPTION
CONSTRUCTION OF A DWELLING UNIT ABOVE
EXISTING 2-CAR DETACHED GARAGE (CARRIAGE
HOUSE)

LOT INFORMATION

TOTAL LOT SQ FT: 4366 SQ FT
TOTAL OFF-STREET PARKING SPACES:
2 GARAGE SPACES TOTAL (EXISTING TO REMAIN)

SETBACKS

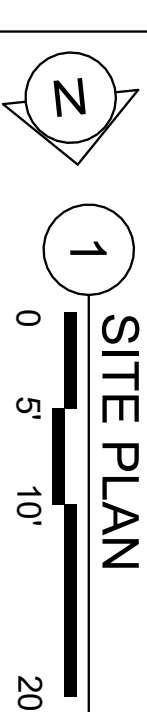
CARRIAGE HOUSE
WEST SIDE: 4'-3" - 1" (EXISTING GARAGE)
EAST SIDE: 4'-3" - 1" (EXISTING GARAGE)
REAR: 18'-0" (EXISTING GARAGE)
SUM OF WIDTHS OF EACH SIDE YARD SHALL EQUAL
OR EXCEED 20% OF THE WIDTH OF THE LOT
AGUTAL LOT WIDTH: 33.66'
20% OF LOT WIDTH: 6.7'

EXISTING HOUSE
WEST SIDE: 4'-0" - 3" (EXISTING HOUSE)
EAST SIDE: 4'-12" - 5" (EXISTING HOUSE)
SOUTH FRONT: 10'-0" (EXISTING HOUSE)

TOTAL LOT COVERAGE (50% MAX): 2178 SF
PROPOSED LOT COVERAGE:
893 SF (HOUSE) 708 SF (GARAGE)
1599 SF (TOTAL) (37%)

REAR YARD
LOT AREA: 4366 SF
REAR YARD OF EXISTING HOUSE (25% MIN): 993 SF (22.7%)
REAR YARD OF CARRIAGE HOUSE(25% MIN): 0SF (0%)

BUILDING HEIGHT
H-35 DISTRICT MAX: 35'-0"
CARRIAGE HOUSE PROPOSED: 21' TO MIDPOINT OF ROOF
EXISTING HOUSE: LESS THAN 35'



GUNZELMAN
architecture+interiors
333 Stewart Avenue
Columbus OH 43206
P 614-674-6696

PJT # : 22-196

202 E. MITHOFF ST
COLUMBUS, OH 43206

REVISIONS

DATE

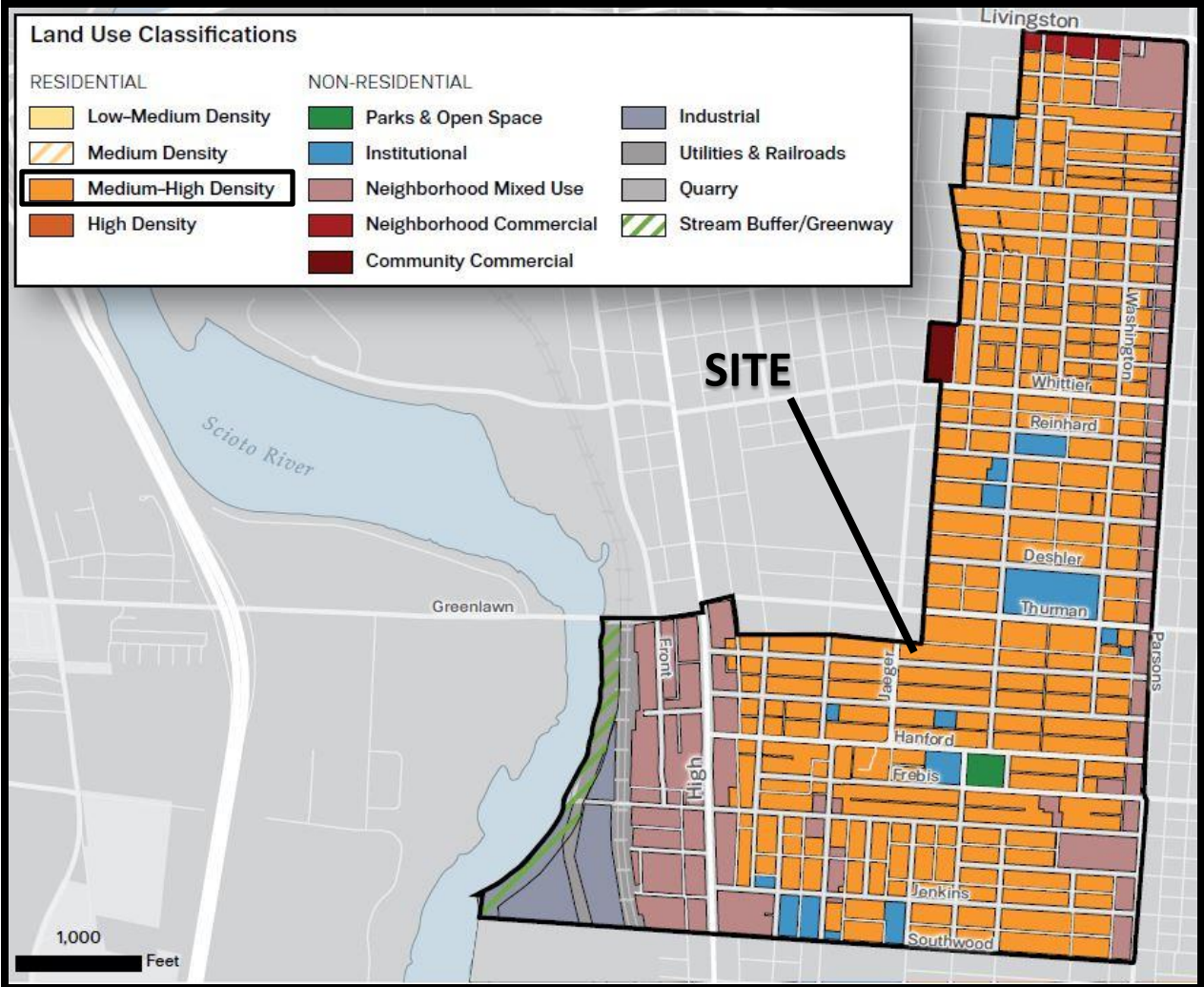
SITE PLAN
PHASE :
SITE REVIEW

DATE : 12/22/22

A-0.2



CV22-155
202 E. Mithoff St.
Approximately 0.10 acres



CV22-155
 202 E. Mithoff St.
 Approximately 0.10 acres



CV22-155
202 E. Mithoff St.
Approximately 0.10 acres