

**RECEIPT**

CITY OF COLUMBUS, MAYOR ANDREW J. GINTHER  
DEPARTMENT OF BUILDING AND ZONING SERVICES  
111 NORTH FRONT STREET  
(614) 645-6090

**Application:** BZA19-040  
**Application Type:** Zoning/BZA/Variance/NA  
**Address:**

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Receipt No.	Ref Number	Amount Paid	Payment Date	Cashier ID	Received	Comments
1095277	5753	\$300.00	04/16/2019	JJONES		

**Owner Info.:** CARROLL JEFFRY A  
CARROLL PAMELA K  
WARSAW IN 46580,

**Work Description:** VARIANCES TO CONFORM EXISTING CONDITIONS FOR TWO EXISTIING SINGLE-UNIT DWELLINGS.

# Board of Zoning Adjustment Application

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

OFFICE USE ONLY

Application Number: \_\_\_\_\_ Date Received: \_\_\_\_\_

Application Accepted by: \_\_\_\_\_ Fee: \_\_\_\_\_

Commission/Civic: \_\_\_\_\_

Existing Zoning: \_\_\_\_\_

Comments: \_\_\_\_\_

**TYPE(S) OF ACTION REQUESTED** (Check all that apply):

Variance  Special Permit

Indicate what the proposal is and list applicable code sections:

Each parcel has a single family house on it but the existing house does not meet the development standards and cannot be rebuilt if destroyed and financing more difficult as a result. See attached list of variances.

**LOCATION**

+1385

Certified Address: 1383 S. Third Street City: Columbus Zip: 43206

Parcel Number (only one required): 010269008

**APPLICANT** (If different from Owner):

Applicant Name: Jeffrey A & Pamela K Carroll Phone Number: 574-552-2554 Ext.: \_\_\_\_\_

Address: PO Box 355 City/State: Winona Lake, IN Zip: 46590

Email Address: jeff@gracevillage.com Fax Number: \_\_\_\_\_

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

Name: Same Phone Number: \_\_\_\_\_ Ext.: \_\_\_\_\_

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

Email Address: \_\_\_\_\_ Fax Number: \_\_\_\_\_

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

Name: Jeffrey L. Brown Phone Number: 614-221-4255 Ext.: \_\_\_\_\_

Address: 37 W Broad Street, Suite #460 City/State: Columbus, OH Zip: 43215

Email Address: jlbrown@smithandhale.com Fax Number: 614-221-4409

**SIGNATURES** (All signatures must be provided and signed in blue ink)

APPLICANT SIGNATURE Jeffrey A + Pamela K Carroll by Jeffrey L. Brown

PROPERTY OWNER SIGNATURE \_\_\_\_\_

ATTORNEY / AGENT SIGNATURE Jeffrey L. Brown

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Variances 1383-1385 S. Third Street

3332.05 Area district lot width requirements. To reduce the required width from 50 to 22.5 feet (existing condition). Both parcels.

3332.14 Area district requirements- to reduce the required area from 6000 sq. ft. to 1518.75 sq. ft. (existing condition). Both parcels.

3332.26 Minimum side yard- to reduce the minimum side yard from 3 to 1.8 feet on south parcel and from 3 to 2 feet on north parcel (existing condition).

3312.49 Minimum number of parking spaces required- to reduce the required number of parking spaces from 2 to zero for a single family house (existing conditions). Both parcels.

## AFFIDAVIT

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (1) NAME Jeffrey L. Brown

of (1) MAILING ADDRESS 37 W Broad Street, Suite #460, 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 ADDRESS CARD FOR PROPERTY 1383 S. 3rd Street

for which 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) Jeffry A & Pamela K Carroll  
PO Box 355  
Winona Lake, IN 46590

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

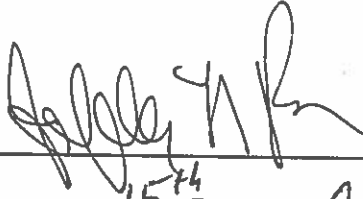
Jeffry A & Pamela K Carroll  
574-551-2554

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

(5) Columbus Southside Area Commission  
Curtis Davis  
584 E. Miller Street  
Columbus, OH 43207

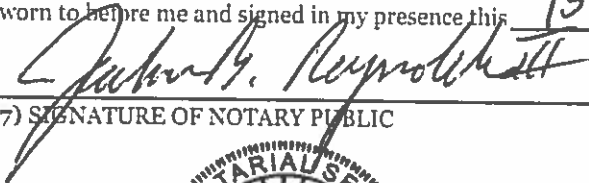
and that the attached document (6) is a list of the names and complete mailing addresses, including zip codes, as shown on the County Auditor's Current Tax List or the County Treasurer's Mailing List, of all the owners of record of property within 125 feet of the exterior boundaries of the property for 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) SIGNATURE OF AFFIANT



Sworn to before me and signed in my presence this 15<sup>th</sup> day of April, in the year 2019

(7) SIGNATURE OF NOTARY PUBLIC



My Commission Expires \_\_\_\_\_

Notary Seal Here



Jackson B. Reynolds, III, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

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**APPLICANT/PROPERTY OWNER**

**ATTORNEY**

**AREA COMMISSION**

Jeffry A & Pamela K Carroll  
PO Box 355  
Winona Lake, IN 46590

Jeffrey L. Brown  
Smith & Hale LLC  
37 West Broad Street, Suite 460  
Columbus, OH 43215

Columbus Southside Area Commission  
Curtis Davis  
584 E. Miller Street  
Columbus, OH 43207

**SURROUNDING PROPERTY OWNERS**

Jane E Landwehr  
"or current occupant"  
1369 S 3<sup>rd</sup> Street  
Columbus, OH 43207

carroll.lbi  
4/15/19 s&h labels 2019

Joshua D Koronich  
"or current occupant"  
1372 S. Third Street  
Columbus, OH 43207

Rachel E Kopec  
"or current occupant"  
1378 S 3<sup>rd</sup> St.  
Columbus, OH 43207

Rohil Kejriwal  
"or current occupant"  
1364 S 3<sup>rd</sup> Street  
Columbus, OH 43207

Rae E & Linda Crowley  
"or current occupant"  
1382 S 3<sup>rd</sup> Street  
Columbus, OH 43207

Scott Holtz  
"or current occupant"  
1386 S 3<sup>rd</sup> Street  
Columbus, OH 43207

Scott McIntosh  
"or current occupant"  
1388 S 3<sup>rd</sup> Street  
Columbus, OH 43207

Julie M Folton  
"or current occupant"  
1390 S Third Street  
Columbus, OH 43207

James R Turner  
"or current occupant"  
1932 S 3<sup>rd</sup> Street  
Columbus, Oh 43027

Matthew P Schlichting  
"or current occupant"  
1046 3<sup>rd</sup> Street  
Columbus, OH 43207

Margot K Baird  
"or current occupant"  
1383 City Park Avenue  
Columbus, OH 43207

TPBES LLC  
"or current occupant"  
360 E Stewart Avenue  
Columbus, OH 43206

Ashleigh R Henry  
"or current occupant"  
1373 City Park Avenue  
Columbus, OH 43207

Lawrence R & Eileen S Hoffman  
"or current occupant"  
1358 City Park Avenue  
Columbus, OH 43207

Mickey J & Janet Clements  
"or current occupant"  
1372 City Park Avenue  
Columbus, Oh 43207

Nina M & Stephen K Bagley  
"or current occupant"  
1062 Jaeger Street  
Columbus, OH 43206

Charles L. Miller  
"or current occupant"  
13852 City Park Avenue  
Columbus OH 43207

Clifford H & Barbara A Dowden  
"or current occupant"  
1388 City Park Avenue  
Columbus, OH 43207

Select Medical Property Ventures LLC  
PO Box 92129  
Southlake, TX 76092

Gavin Stubbins  
"or current occupant"  
1389-91 S 3<sup>rd</sup> Street  
Columbus, OH 43207

Kevin R Seabolt & Lim Yan Yim  
"or current occupant"  
1379 S 3<sup>rd</sup> Street  
Columbus, OH 43207

Cathy R Ellis  
"or current occupant"  
1375 S 3<sup>rd</sup> Street  
Columbus, OH 43206

# Board of Zoning Adjustment Application

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

STATE OF OHIO  
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Jeffrey L Brown  
of (COMPLETE ADDRESS) 37 W Broad Street, Suite #460, Columbus, OH 43215

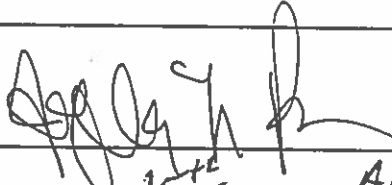
deposes and states that (he/she) is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this application and their mailing addresses:

NAME

COMPLETE MAILING ADDRESS

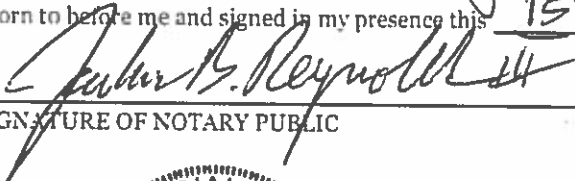
Jeffrey A & Pamela K Carroll  
PO Box 355  
Winona Lake, IN 46590

SIGNATURE OF AFFIANT



Sworn to before me and signed in my presence this 15<sup>th</sup> day of April, in the year 2019

SIGNATURE OF NOTARY PUBLIC



Notary Seal Here

My Commission Expires \_\_\_\_\_



Jackson B. Reynolds, III, Attorney At Law  
NOTARY PUBLIC - STATE OF OHIO  
My commission has no expiration date  
Sec. 147.03 R.C.

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## STATEMENT IN SUPPORT OF VARIANCE(S)

APPLICATION #

**3307.09 Variances by Board.**

- A. The Board of Zoning Adjustment shall have the power, upon application, to grant variances from the provisions and requirements of this Zoning Code (except for those under the jurisdiction of the Graphics Commission and except for use variances under the jurisdiction of the Council). The board shall take into account all of the following facts and conditions when considering variances:
1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.
  2. Whether the variance is substantial.
  3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
  4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).
  5. Whether the property owner purchased the property with knowledge of the zoning restriction.
  6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
  7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.
- B. In granting a variance, the Board may impose such requirements and conditions regarding the location, character, and other features of the proposed uses or structures as the Board deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard public safety and welfare.
- C. Nothing in this section shall be construed as authorizing the Board to affect changes in the Zoning Map or to add to the uses permitted in any district.

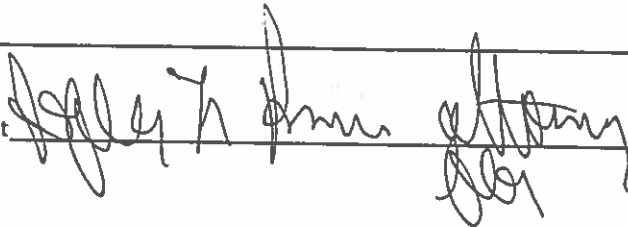
List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

**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 demonstrates practical difficulty as contemplated by that section, in the following ways (use separate page if needed or desired):

See attached page

Signature of Applicant



Date

4/15/19

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The Board of Zoning Appeals reviews variance requests under the standard of practical difficulties. The Ohio Supreme Court outlined the practical difficulties standard in the Duncan case. There are seven factors that make up the Duncan standards and the Ohio Supreme Court has emphasized that “no single factor controls a determination of practical difficulties. The key to the standards is whether the area zoning requirements, as applied to the property owner in question is reasonable:

There is an existing single family house on each parcel. If the house is destroyed; it cannot be rebuilt without variances. This situation has created issues with financial institutions in terms of mortgages. The variance request would establish the development standards for each site, allowing the single family house to be conforming in terms of the zoning code.

**1. The 1<sup>st</sup> Duncan factor – whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without the variance.**

If the single family house is destroyed, it cannot be rebuilt without variances.

**2. The 2<sup>nd</sup> Duncan factor – whether the variance is substantial.**

The variances are for existing conditions and are typical of the area

**3. The 3<sup>rd</sup> Duncan factor – whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.**

The proposed variance would not substantially alter the essential character of the neighborhood, nor would adjoining properties suffer a substantial detriment as a result of these variances. Single family before; single family after.

**4. The 4<sup>th</sup> Duncan factor – whether the variance would adversely affect the delivery of governmental services.**

The granting of these variances would not adversely affect the delivery of governmental services. Utilities are available to the site. Police and fire protection are already provided to the site.

**5. The 5<sup>th</sup> Duncan factor – whether the property owner purchased the property with knowledge of the zoning restriction.**

The applicant discovered this issue when it came up while trying to obtain a mortgage.



**6. The 6<sup>th</sup> *Duncan* factor – whether the property owner’s predicament feasibly can be obviated through some method other than a variance.**

The variance request is the only way to resolve this issue.

**7. The 7<sup>th</sup> *Duncan* factor – whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.**

By granting the variance the single family houses become conforming and may be rebuilt if they are destroyed. Finally, the spirit and intent behind the zoning resolution would be observed and substantial justice would be done by granting the variances.

Given this analysis the applicant meets all the *Duncan* factors establishing practical difficulties and the variances should be granted by the board.

# Board of Zoning Adjustment Application

DEPARTMENT OF BUILDING  
AND ZONING SERVICES

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

**FOR USE BY: AREA COMMISSION / COMMUNITY GROUP / HISTORIC ARCHITECTURAL REVIEW**

Case Number \_\_\_\_\_

Address \_\_\_\_\_

Group Name \_\_\_\_\_

Meeting Date \_\_\_\_\_

- Specify Case Type
- BZA Variance / Special Permit
  - Council Variance
  - Rezoning
  - Graphics Variance / Plan / Special Permit

- Recommendation  
(Check only one)
- Approval
  - Disapproval

**NOTES:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Vote \_\_\_\_\_

Signature of Authorized Representative \_\_\_\_\_

Recommending Group Title \_\_\_\_\_

Daytime Phone Number \_\_\_\_\_

Please e-mail this form to the assigned planner within 48 hours of meeting day; OR FAX to Zoning at (614) 645-2463; OR MAIL to: Zoning, City of Columbus, Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

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# Myers Surveying Company, Inc.

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

A Boundary Survey prepared for and certified to:  
**PAMCO Management**

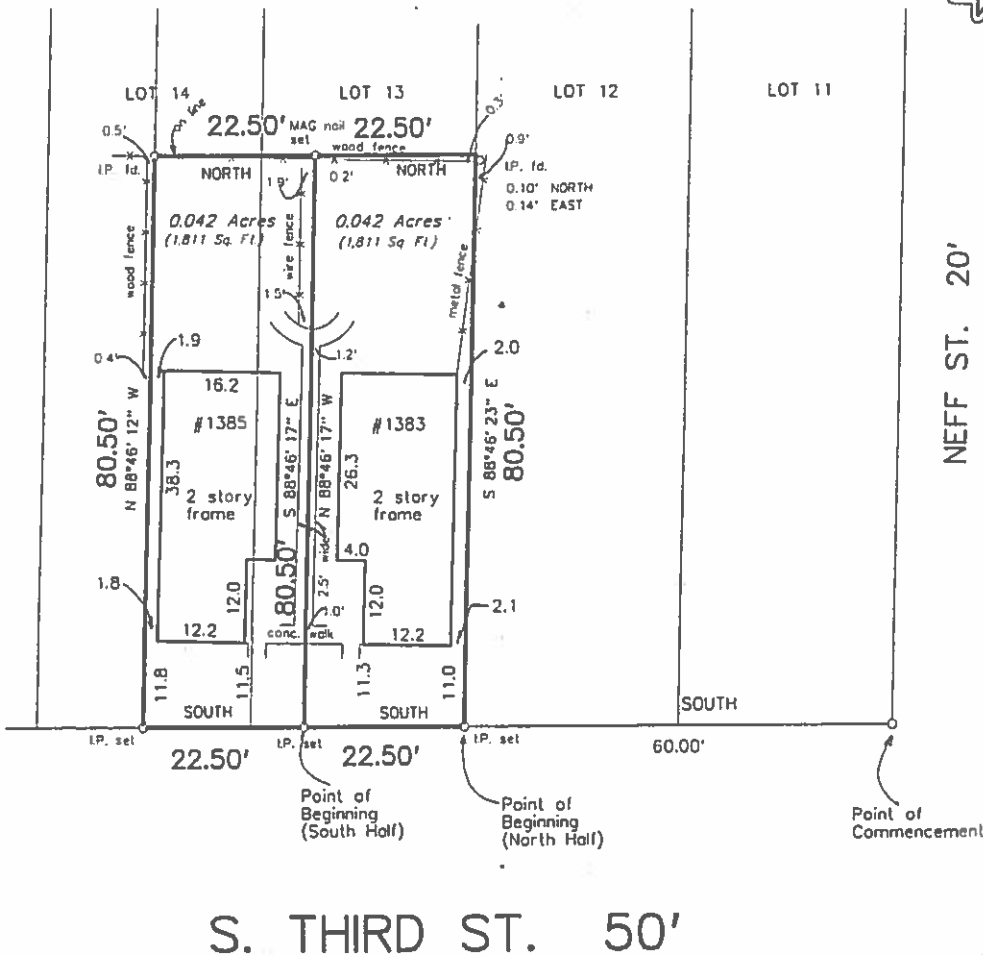
Legal Description: Situated in Ohio, County of Franklin, City of Columbus, Being Part of Lots 13 and 14 Warren Jenkins  
 Marion Addition Plat Book 2, Page 348

Applicant:

Posted Address: 1383-1385 S. Third Street, Columbus, Ohio



20' 10' 0' 20'  
 Scale: 1" = 20'  
 Date: 11-22-2002



We hereby certify that the foregoing Boundary Survey was prepared from actual field measurements in accordance with Chapter 4733-37 Ohio Administrative Code. Iron pins set are 30"x1" O.D. with an orange plastic plug inscribed "P.S. 6579", unless otherwise noted. Basis of bearing is the West line of S. Third Street assumed as

Myers Surveying Co., Inc.

By Albert J. Myers  
 Professional Surveyor

Myers Order No. - 18-10/25/02 | Rec. R.G. | Field Smith | DWG Smith | Ltr. Smith | Ck.