



## Legislation Text

---

**File #:** 3257-2022, **Version:** 1

---

### **Council Variance Application: CV20-132**

**APPLICANT:** Samuel Shamansky; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

**PROPOSED USE:** Residential development.

**GERMAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site currently consists of two parcels, one developed with a two-unit dwelling and one with a three-unit dwelling, in the R-2F, Residential District. The requested Council variance will permit the applicant to split the lots, with each newly formed parcel being developed with a single-unit dwelling with three garage parking spaces. A Council variance is required because the R-2F district does not permit three-unit dwellings, as exists in Area B of the site. Variances for maneuvering, lot width, lot area, fronting, building lines, and side and rear yards are included in this request. Additionally, parking reductions for one space in Area A, and four spaces in Area B, are included in the request. The proposal is consistent with both the existing character of the area and with recent residential infill development proposals in historic urban neighborhoods, and is supported by the German Village Commission.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.14 R-2F, Area district requirements; 3332.19, Fronting; 3332.21(D), Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **670-672 & 674-678 MOHAWK ST. (43206)**, to permit residential development with reduced development standards in the R-2F, Residential District (Council Variance #CV20-132).

**WHEREAS**, by application #CV20-132, the owner of property at **670-672 & 674-678 MOHAWK ST. (43206)**, is requesting a Council variance to permit residential development with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential District Use, permits one single-unit or two-unit dwelling on a lot, while the applicant proposes to maintain the existing three-unit dwelling in Area B of the submitted site plan; and

**WHEREAS**, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes reduced maneuvering areas of 13 feet for Area C and Area D, and reduced maneuvering areas of between 3 feet and 12 feet for Area A and Area B, subject to the code required 20 feet being provided within the common maneuvering area between the four proposed lots, as shown on the site plan; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit, or 4 spaces for Area A and 6 spaces for Area B, while the applicant proposes 3 spaces for Area A and 2 spaces for Area B;

and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-2F, Residential District, while the applicant proposes reduced lot widths of 41.5 feet for Areas A, B, C and D; and

**WHEREAS**, Section 3332.14 R-2F, Area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes reduced lot areas of 4,440 square feet (Area A), 4,345 square feet (Area B), 2,249 square feet (Area C), and 2,344 square feet (Area D); and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes the single-unit dwellings on Area C and Area D to front the public alley; and

**WHEREAS**, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lots or parcels, but in no case less than 10 feet, while the applicant proposes reduced building lines along Mohawk Street of 4 feet for Area A and 7 feet for Area B; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of each side yard to equal or exceed 20 percent of the width of the lot, or 8.3 feet for Area A and Area B, while the applicant proposes reduced maximum side yards of 7 feet for the existing dwellings in Area A and Area B; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of no less than 5 feet on lots that are 40 feet wide or more in the R-2F, Residential District, while the applicant proposes reduced side yards of 2 feet along the southern property lines of the existing dwellings on Area A and Area B; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the lot area for each dwelling, while the applicant proposes reduced rear yards of 11 percent for Area C and 10 percent for Area D; and

**WHEREAS**, the German Village Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variance would permit development in character with the surrounding neighborhood, is consistent with recent residential infill development proposals in historic urban neighborhoods, and is supported by the German Village Commission; and

**WHEREAS**, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed single-unit dwellings; and

**WHEREAS**, said variance will not adversely affect the surrounding property or surrounding neighborhood; and

**WHEREAS**, the granting of said variance will not impair an adequate supply of light and air to adjacent properties or unreasonably increase the congestion of public streets, or unreasonably diminish or impair established property values within the surrounding area, or otherwise impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus; and

**WHEREAS**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **670-672 & 674-678 MOHAWK ST. (43206)**, in using said property as desired; now, therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That a variance from the provisions of Sections 3332.037, R-2F, Residential district; 3312.25, Maneuvering; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.14 R-2F, Area district requirements; 3332.19, Fronting; 3332.21(D), Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard, of the Columbus City Codes,

is hereby granted for the property located at **670-672 & 674-678 MOHAWK ST. (43206)** insofar as said sections prohibit a three-unit dwelling (Area B) in the R-2F, Residential District; with reduced maneuvering of 13 feet for Area C and Area D, and between 3 and 12 feet for Area A and Area B; a parking space reduction from 4 to 3 spaces for Area A and from 6 to 2 spaces for Area B; reduced lot widths from 50 feet to 41.5 feet for Areas A, B, C, and D; a reduced area district requirement for each lot from 6,000 to 4,440 square feet (Area A), 4,345 square feet (Area B), 2,249 square feet (Area C), and 2,344 square feet (Area D); no frontage on a public street for the proposed single-unit dwellings on Area C and Area D; reduced building lines along Mohawk Street from 10 feet to 4 feet for Area A and 7 feet for Area B; reduced maximum side yards from 8.3 feet to 7 feet for the existing dwellings on Area A and Area B; reduced minimum side yards from 5 to 2 feet along the southern property lines of the existing dwellings on Area A and Area B; and reduced rear yards from 25 percent to 11 percent for Area C and 10 percent for Area D; said property being more particularly described as follows:

**670-672 & 674-678 MOHAWK ST. (43206)**, being 0.31± acres located on the east side of Mohawk Street, 41± feet south of East Sycamore Street, and being more particularly described as follows:

670 - 672 Mohawk Street:

Situated in the State of Ohio, County of Franklin and City of Columbus and being described as follows:  
Being Lot Number Two (2) of Charles Minister's Subdivision of two and one-half acres part of Half Section 27, Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, page 328, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-046554

Also known as: 670 and 672 Mohawk St., Columbus, OH 43206.

674 - 678 Mohawk Street:

Situated in the State of Ohio, County of Franklin and City of Columbus and being described as follows:  
Being Lot Number Three (3) of Charles Minister's Subdivision of two and one-half acres part of Half Section 27, Township 5, Range 22, Refugee Lands, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 1, page 328, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-040853

Also known as: 674, 676 and 678 Mohawk St., Columbus, OH 43206.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a two-unit dwelling in Area A, a three-unit dwelling in Area B, a single-unit dwelling in Area C and a single-unit dwelling in Area D, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "SITE PLAN," signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant, and dated April 19, 2022. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed single-unit dwellings.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.