

**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION: CV25-036
Location: 26 W. HENDERSON RD. (43214), being 0.20± acres located on the north side of West Henderson Road; 165± feet west of North High Street (010-086696; Clintonville Area Commission).
Existing Zoning: R-3, Residential District.
Proposed Use: Two-unit dwelling.
Applicant(s): Juliet Bullock; 4886 Olentangy Boulevard; Columbus, OH 43214.
Owner(s): Monica Ohlinger; 28 West Henderson Road; Columbus, OH 43214.
Planner: Brandon Carpenter; 614-645-1574; bmcarpenter@columbus.gov

BACKGROUND:

- The site consists of one parcel developed with a mixed-use building containing an office and a single-unit dwelling in the R-3, Residential District as approved by Ordinance #1440-2017 (Council Variance #CV17-017). The requested Council variance will allow a two-unit dwelling after converting the existing office space into a second dwelling unit. Variances for reduced maneuvering from 20 feet to 18.96 for the two parking spaces in the existing carport, a reduced parking setback line from 20 feet to 15.5 feet along West Henderson Road, a reduced minimum side yard from five feet to 4.67 feet on the west side of the existing building, and to allow a side yard obstruction of two stacked parking spaces in the eastern side yard are also included in this request.
- A Council variance is required because the R-3, Residential District does not allow two-unit dwellings.
- North and west of the site are single-unit dwellings both in the R-3 Residential District. South of the site is a religious facility in the UCT, Urban Center District. East of the site is a gas station in the UCT, Urban Center District.
- The site is within the planning area of the *Clintonville Neighborhood Plan* (2009), which recommends “Single-Family” land uses for this location.
- The site is located within the boundaries of the Clintonville Area Commission whose recommendation is for approval.
- Staff concurs with the applicant’s analysis of the seven practical difficulties in achieving this proposed use and support the variances for reduced maneuvering, parking setback, minimum side yard and side yard obstruction.

CITY DEPARTMENTS’ RECOMMENDATION: Approval

Although the proposed use is inconsistent with the *Clintonville Neighborhood Plan’s* recommendation of “Single-Family”, staff notes that the building is existing, and its compatibility with nearby residential development, location along a high intensity corridor, and Plan guidance

recommending a mix of housing densities in every neighborhood, are mitigating factors for support of the use. Staff also notes the proposed building elevations are consistent with Plan's design guidelines.

STATEMENT OF HARDSHIP

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.

The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:

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.

☐ Yes ☒ No

Due to location/lack of parking not feasible to rent the commercial space to another tenant.

2. Whether the variance is substantial.

☐ Yes ☒ No

No additions are proposed and variances are for existing conditions with exception of use variance.

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.

☐ Yes ☒ No

No impact although the owner is planning to update the facade on Henderson along with this project.

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).

☐ Yes ☒ No

Government services would not be changed.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

☒ Yes ☐ No

The office space worked for her personal business but now her workers are all remote.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

☐ Yes ☒ No

These minor variances are required for the residential use.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

☒ Yes ☐ No

This is a much better use for the largely residential neighborhood.

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

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 attached)

Signature of Applicant



Date

4/18/25

PARCEL NUMBER 010-086696-00

26-28 HENDERSON ROAD

ZONED R-3

EXISTING BUILDING WITH COMMERCIAL SPACE IN FRONT AND RESIDENTIAL IN THE REAR. A VARIANCE WAS GRANTED FOR THE COMMERCIAL SPACE THAT WILL BE VACATED. CV-17-017 TO ALLOW THE FRONT TO BE CONVERTED TO RESIDENTIAL CREATING A RESIDENTIAL DUPLEX.

NO ADDITIONS ARE PROPOSED.

LOT AREA 8908.5 SF

REARYARD 3402.3 SF OR

EXISTING BUILDING COVER 3475.5 SF

PROPOSED VARIANCES

3312.25 MANEUVERING: TO ALLOW FOR 18.96' MANUEVERING FOR THE EXISTING CARPORT PARKING SPACES IN LIEU OF THE REQUIRED 20'.

3312.27 PARKING SETBACK LINE: TO ALLOW A REDUCED PARKING SETBACK OF 15.5 FROM A REQUIRED 20' PARKING SETBACK LINE.

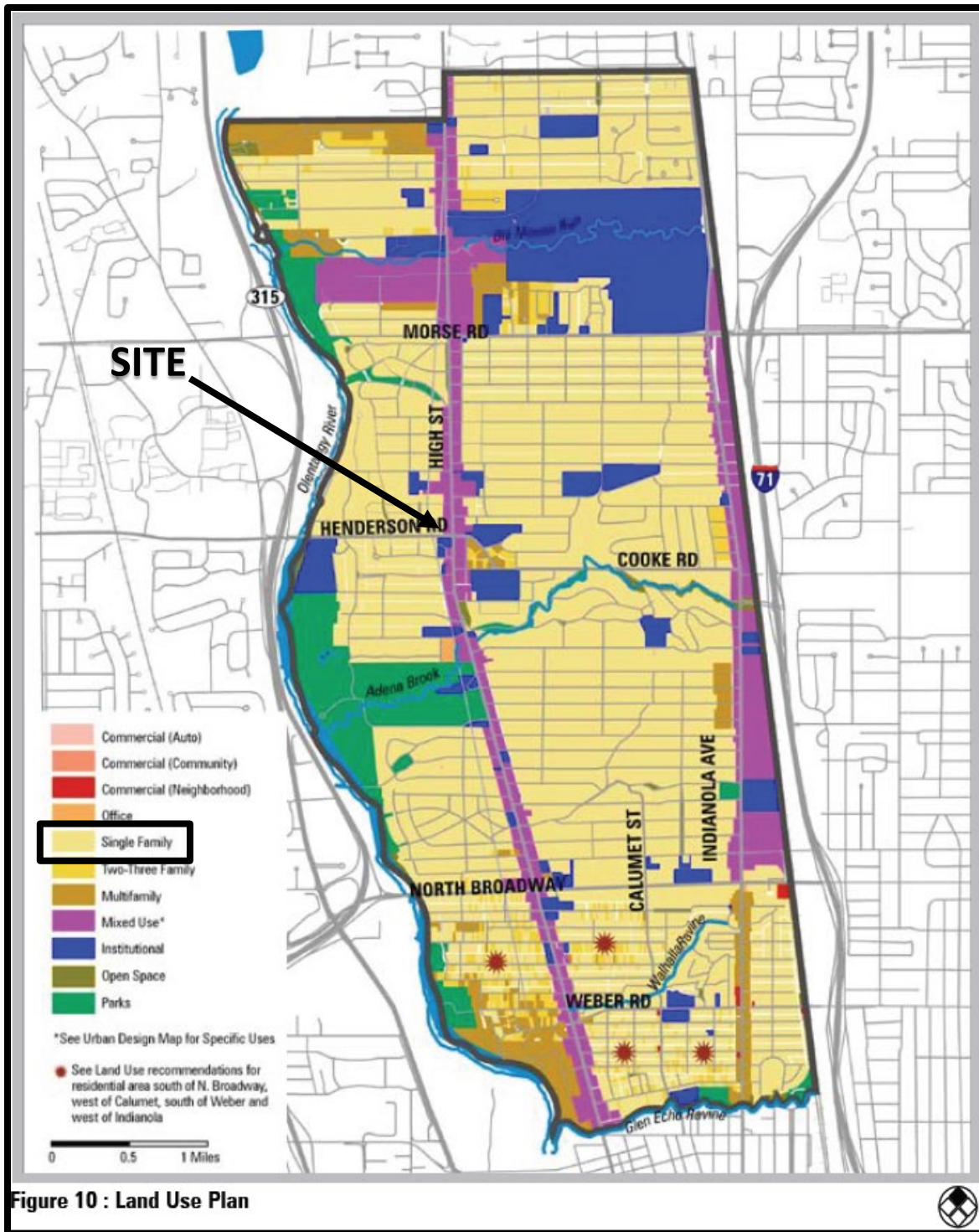
3332.035 R-3 RESIDENTIAL DISTRICT: STRUCTURE IS BEING CONVERTED TO A TWO UNIT DWELLING ON A SINGLE PARCEL WHEREAS ONLY A SINGLE FAMILY HOME IS PERMITTED..

3332.26(B) MINIMUM SIDE YARD PERMITTED: TO ALLOW FOR A MINIMUM SIDEYARD OF 4.67' IN LIEU OF THE REQUIRED 5'

3332.28 SIDEYARD OBSTRUCTION: TO PERMIT THE EXISTING TWO PARKING SPACES TO REMAIN AND TO ALLOW PARKING IN THE REQUIRED SIDEYARD.



CV25-036
26 W. Henderson Rd.
Approximately 0.20 acres



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Standardized Recommendation Form

111 North Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • www.columbus.gov/bzs • zoninginfo@columbus.gov

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

(PLEASE PRINT)

Case Number: CV25-036

Address: 26 W. Henderson

Group Name: Clintonville Area Commission (CAC)

Meeting Date: June 5, 2025

Specify Case Type:

☐ BZA Variance / Special Permit

☒ Council Variance

☐ Rezoning

☐ Graphics Variance / Plan / Special Permit

Recommendation:
(Check only one and list basis
for recommendation below)

☒ Approval

☐ Disapproval

NOTES:

The Clintonville Area Commission unanimously approved the variance.

Vote: 5 yes, 3 absent (and 1 vacant seat)

Signature of Authorized Representative: *Matthijs Moritz*

SIGNATURE

Clintonville Area Commission (CAC)

RECOMMENDING GROUP TITLE

614-641-5178

DAYTIME PHONE NUMBER

Please e-mail this form to the assigned planner within 48 hours of your meeting day; or FAX to Zoning at 614-645-2463; or MAIL to: Assigned Planner, City of Columbus, Department of Building & Zoning Services, 111 N. Front St., Columbus, OH 43215.

Council Variance Application

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

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV25-036

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)

of (COMPLETE ADDRESS)

Monica O'Winger
26-28 W. Henderson Rd, Columbus, OH 43214
deposes and states that they are 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:

For Example: Name of Business or individual
 Contact name and number
 Business or individual's address; City, State, Zip Code
 Number of Columbus-based employees

1. <u>26-28 W. Henderson Road, LLC</u> <u>Monica O'Winger</u> <u>26 W. Henderson Rd</u> <u>Columbus, OH 43214</u>	2.
3. <u>614-537-7929</u>	4.

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

SIGNATURE OF AFFIANT

Sworn to before me and signed in my presence this

27

day of

March

, in the year

2025

SIGNATURE OF NOTARY PUBLIC

Notary Seal Here



My Commission Expires
MARIAN E. GELPI
Notary Public
State of Ohio
My Comm. Expires
December 20, 2027

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