

CV05-060

Attachment 1**Council Variance Application
Statement of Hardship**

Applicant: Connie J. Kiema
Owner: Northwood Properties, Inc.
Subject Property: 34 W. Tulane Rd.

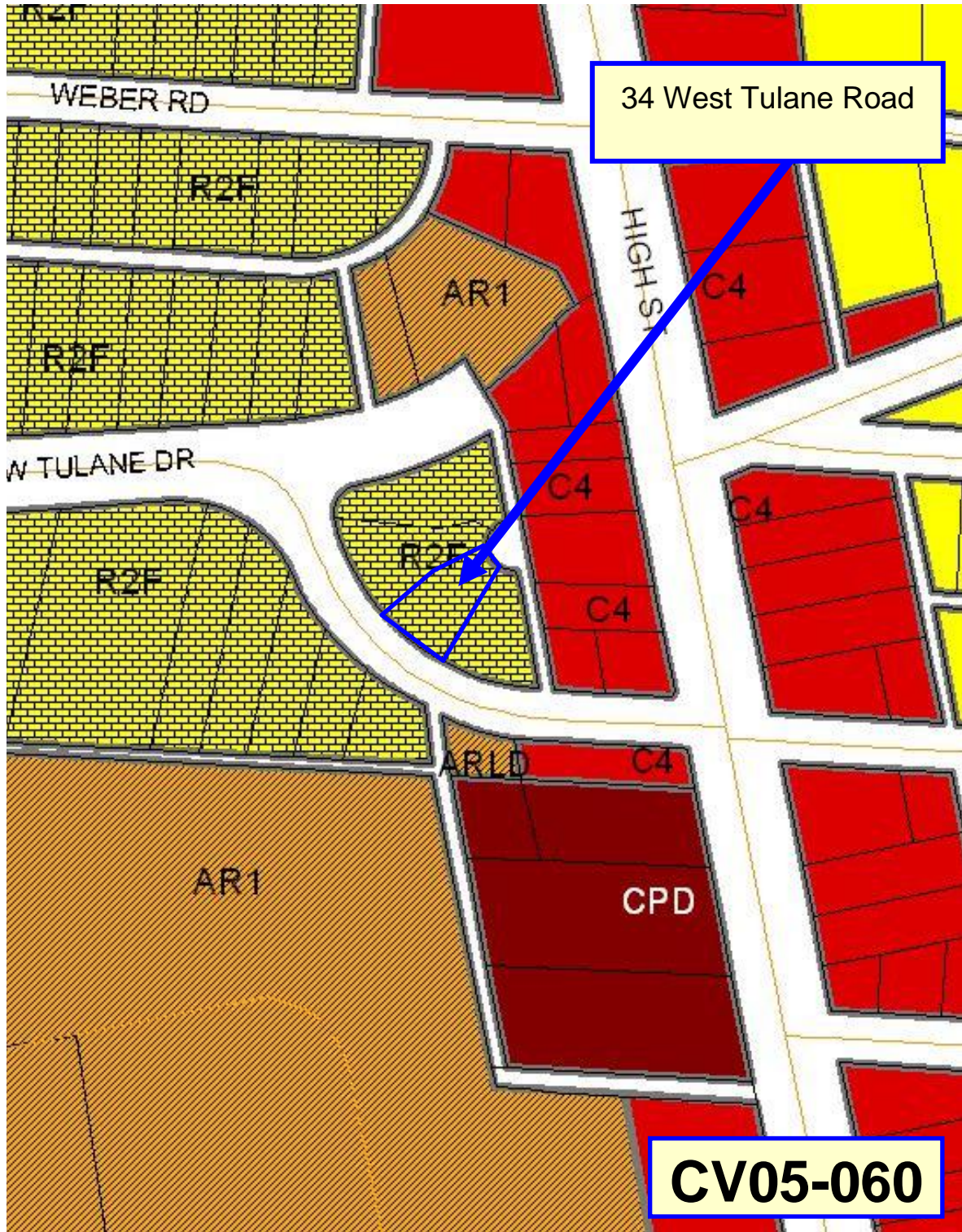
The subject property consists of one (1) parcel. The parcel consists of two (2) contiguous Lots, Lots 91 and 92. The parcel consists of one (1) building with four (4) residential dwelling units. The parcel is zoned R-2F.

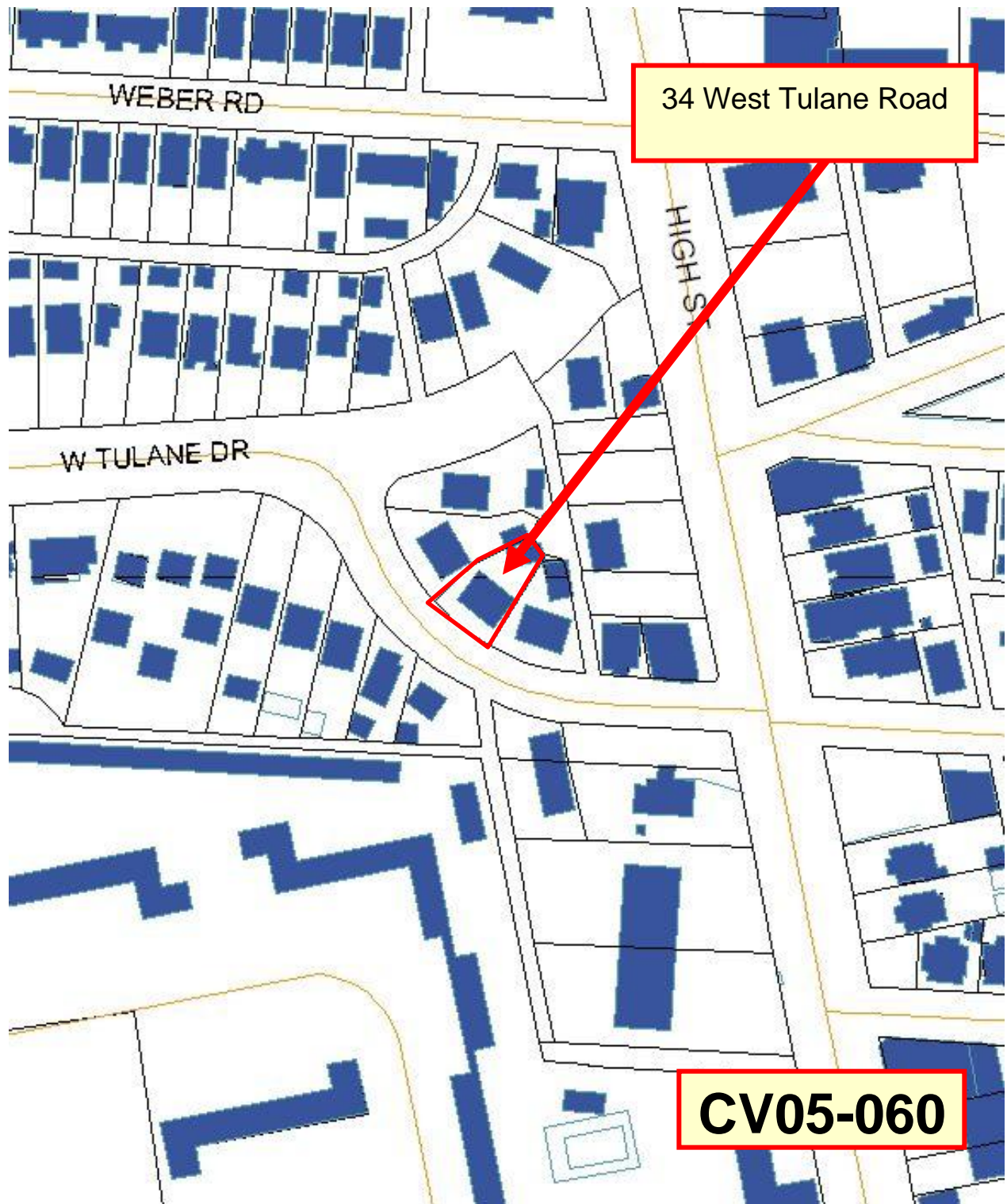
Under the present R-2F regulations, a dwelling cannot contain more than two (2) dwelling units. However, because the four (4) unit building was constructed prior to the present R-2F regulations being applicable to the site, the existing building is permitted as a "nonconforming use".

A nonconforming use is not permitted to continue if the use of the building is enlarged, expanded, reconstructed or structurally altered in any lawful manner under C.C. 3391.01. A nonconforming use also cannot be extended, so as to increase the floor space over the existing floor space.

Therefore, the applicant requests a use variance to preserve the right to continue the use of the dwelling as a four (4) unit dwelling and the right to restore such units in the event of damage or destruction, including to the extent of fifty percent (50%) or more of the value of the existing building. Given the fact that the variance will not alter the actual "use" of the site (residential), or the number of dwelling units in the building (4), such use variance will not adversely affect the surrounding property or surrounding neighborhood.

Furthermore, the variance will not impair an adequate supply of light and air to the adjacent property, as no height or square footage adjustments will be made to the four (4) units or to the building. The subject property will continue to blend with the architecture, character, and design of the neighboring homes. Because no increase in density is requested, the variance will not increase the congestion of public streets or increase the danger of fires. In addition, it will not endanger the public safety or unreasonably diminish or impair the public health, safety, comfort, morals, or welfare of the inhabitants of the City of Columbus.







MEMORANDUM

To: Lisa Russell
From: Paul Harris, Clintonville Area Commission Secretary
Date: 22 March 2006
Re: Zoning Variance: *34 W. Tulane Rd. and 43,45,47 and 49 W. Weber Rd.*

The Clintonville Area Commission (CAC) met Thursday, January 5th to consider a single development item. The issue was a council variance request by attorney Connie J. Klema on behalf of Northwood Properties, Inc. the owner of the property at 34 W. Tulane Rd. and 43-49 W. Weber Rd.

- The request was to preserve the right to continue the use of the current building on the property as a four-unit dwelling and permit the restoration of these units if they are damaged or destroyed. **The CAC recommended approval of the request by a vote of 8-0** after consideration and discussion of the following:
 - Ms. Klema noted that the subject parcel is zoned R-2F which limits a dwelling to no more than two units. Because the existing four-unit structure was built prior to the current R2-F restrictions, the current building is permitted as a “non-conforming use.”
 - Ms. Klema stated that Columbus code (C.C.3391.01) does not permit non-conforming use to continue if the subject building is enlarged, expanded, reconstructed or structurally altered. Therefore, the applicant requests a council variance to permit the four residential units to be restored in the event they are damaged or destroyed.
 - Applicant asserted that any restoration will not change the number of units in the building (four), nor will any height or square footage adjustments be made to the four units or to the building. Any alterations will be done in a manner that maintains architectural and design compatibility with neighboring structures.
 - The CAC Variance and Zoning committee recommended approval of the request with two conditions: (1) Approval of all required variances for the existing building and improvements, and (2) Maintenance of current building footprint, location and elevation. The V&Z committee vote to approve was 6-0 with one abstention.
 - Ms. Klema submitted a list of six required variances relating to four-family dwelling status; building line and maximum / minimum side yard dimensions, and number of parking space / parking space dimensions.
 - In his district report, Commissioner Chris Gawronski said he had received no objections from residents.

Please feel free to contact me if you have any questions about this report.

Sincerely,

CAC Memo to City Council
22 March 2006

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Paul Harris, Secretary
Clintonville Area Commission

Cc: Applicants

City of Columbus | Department of Development | Building Services Division | 757 Carolyn Avenue, Columbus, Ohio 43224

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.

STATE OF OHIO
COUNTY OF FRANKLIN

APPLICATION # CW05-060

Being first duly cautioned and sworn (NAME) Connie J. Klemm, Attorney
of (COMPLETE ADDRESS) P.O. Box 991, Pataskala, Ohio 43062
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
- Business or individual's address
- Address of corporate headquarters
- City, State, Zip
- Number of Columbus based employees
- Contact name and number

If applicable, check here if listing additional parties on a separate page (REQUIRED)

1. Northwood Properties, Inc. 3124 N. High Street Columbus, Ohio 43202 (1 employee) Rob Martin (614) 263-9798	2.
3.	4.

SIGNATURE OF AFFIANT

Connie J. Klemm

Subscribed to me in my presence and before me this 27th day of October, in the year 2005

SIGNATURE OF NOTARY PUBLIC

Rebecca J. Mott

My Commission Expires:

04/19/09

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

Notary Seal Here



REBECCA J. MOTT
Notary Public, State of Ohio
My Commission Expires
04/19/09