



## Legislation Details (With Text)

**File #:** 0705-2006      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 3/28/2006      **In control:** Zoning Committee  
**On agenda:** 6/5/2006      **Final action:** 6/8/2006

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District uses; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26 Minimum side yard permitted, of the Columbus City Codes for the property located at 43-49 WEBER ROAD (43202), to conform an existing four-unit dwelling with reduced development standards in the R-2F, Residential District (Council Variance CV05-061).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD-0705-2006CV05-061Legistar attachments.pdf, 2. ORD 0705-2006labels.pdf, 3. City Council Data FormCV05-061.pdf

Date	Ver.	Action By	Action	Result
6/8/2006	1	ACTING CITY CLERK	Attest	
6/7/2006	1	MAYOR	Signed	
6/5/2006	1	Zoning Committee	Approved	Pass
6/5/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
6/5/2006	1	COUNCIL PRESIDENT	Signed	
5/18/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
5/18/2006	1	Dev Reviewer	Reviewed and Approved	
5/18/2006	1	Dev Drafter	Sent for Approval	
5/18/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
5/18/2006	1	Dev Drafter	Sent to Clerk's Office for Council	
3/28/2006	1	Dev Drafter	Sent for Approval	

**Council Variance:** CV05-061

**APPLICANT:** Northwood Properties Inc.; c/o Connie J. Klema, Atty.; P.O. Box 991; Pataskala, OH 43062.

**PROPOSED USE:** Four-unit dwelling.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This variance will make a four-unit dwelling conforming in the R-2F, Residential District. A Council variance is necessary because the R-2F district does not allow four-unit dwellings. The applicant is committing to the footprint of the existing structure. The four-unit dwelling was constructed prior to the R-2F zoning district currently in place. The applicant requests a use variance to preserve the right to restore such units in the event of damage or destruction of the existing building, regardless of the extent of the damage. Additional variances to development standards are requested for existing conditions, including required minimum side yards and building lines. Because the variance will not alter the actual use of the site, or the number of dwelling units in the building, the use variance will not adversely affect the surrounding

property or surrounding neighborhood.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District uses; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26 Minimum side yard permitted, of the Columbus City Codes for the property located at **43-49 WEBER ROAD (43202)**, to conform an existing four-unit dwelling with reduced development standards in the R-2F, Residential District (Council Variance CV05-061).

**WHEREAS**, by application No. CV05-061 , the owners of property at **43-49 WEBER ROAD (43202)**, are requesting a Variance to conform an existing four-unit dwelling with reduced development standards in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential District uses, permits up to two dwelling units within one building, while the applicant proposes to permit four dwelling units in one dwelling; and

**WHEREAS**, Section 3332.21, Building lines, requires a minimum setback of 25 feet, while the applicant proposes to maintain a setback of approximately 19.9 feet to accommodate the existing four-unit dwelling; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed twenty percent of the lot width, while the applicant proposes less than twenty percent and to be 9 feet; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires each side yard to be at least 5 feet wide, while the applicant proposes less than 5 feet and proposes 4.4 feet and 4.6 feet; and

**WHEREAS**, the Clintonville Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval and note that a hardship exists because the non-conforming nature of the site precludes financing options and the existing four-unit dwelling is long established on this lot. The owner has committed to a condition for maintaining the existing building footprint, location, and elevation to ensure compatibility with surrounding development if the structure is ever rebuilt; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **43-49 WEBER ROAD (43202)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance is granted from the provisions of Sections 3332.037, R-2F Residential District uses; 3332.21, Building lines; 3332.25, Maximum side yard required; 3342.26 Minimum side yard permitted of the Columbus City Codes; for the property located at **43-49 WEBER ROAD (43202)**, insofar that said sections prohibit a four-unit dwelling with a 19.9 foot building setback from Weber Road, a 9 foot combined minimum side yard when 16 feet is required, a 4.4 foot side yard when 5 feet is required, a 4.6 foot side yard when 5 feet is required; said property being more particularly described as follows:

**LEGAL DESCRIPTION FOR 43-49 WEBER ROAD**

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

Being Lot Numbers Thirty-eight (38) and Thirty-nine (39) of Sunset Park, as the same are numbered and delineated upon the recorded plat of said addition, of record in Plat Book 13, page 17, Recorder's Office, Franklin County, Ohio. Being known as Nos. 43, 45, 47

and 49 West Weber Road in said City, and being the same premises conveyed to Lewis K. Osborne by Hamer Haft Builders, Inc. by deed dated February 5, 1936, recorded in Deed Book 1006, page 504, Recorder's Office, Franklin County, Ohio and by Lewis K. Osborne to Maude R. Osborne during her natural life by deed recorded in Deed Book 1055, page 315, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-063949

Property Address: of 43-49 W. Weber Road, Columbus, Ohio 43202

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

**SECTION 3.** That this ordinance is further conditioned on the subject site existing in general conformance with the site plan titled "**43-49 WEBER ROAD CONDOMINIUM.**" drawn by Landmark Survey Group, Incorporated, and signed and dated March 9, 2006 by Connie Klema, applicant.

**SECTION 4.** That this ordinance is further conditioned on a commitment by the owner to maintain the existing building footprint, and the elevations of the building shall be maintained in the architectural style and with materials similar to those of the buildings existing on the property on the date of this ordinance if the buildings are restored or new buildings are constructed; said materials and style to include: Two (2) story brick building with flat roof and parapet, front porch with bricked columns and flat roof, and standard one over one windows.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.