



# City of Columbus

Office of City Clerk  
90 West Broad Street  
Columbus OH 43215-9015  
columbuscitycouncil.org

## Legislation Text

---

File #: 0963-2003, Version: 1

---

**HONORABLE MEMBERS OF COUNCIL:** The attached legislation is submitted for Council action.

**APPLICANT:** Theodore Rademacher; c/o Michael J. Stacy, AIA; 454 East Main Street; Columbus, Ohio 43215.

**PROPOSED USE:** Four unit dwelling.

**GREATER HILLTOP AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This variance will permit an existing five unit dwelling in the C-4, Commercial District. A Council variance is necessary in that dwelling units are permitted only above storerooms in the C-4, Commercial District. The applicant was cited by Code Enforcement for not having zoning clearance for the ground floor apartment, which existed when he purchased the structure. The applicant also requests to waive the requirement for wheel stop devices and a parking variance to allow only 6 parking spaces where 8 would be required. A hardship exists in that C-4, Commercial District does not permit dwelling units on the ground floor.

To grant a Variance from the provisions of Sections 3355.02, C-4, Commercial District; 3342.26, Wheel stop device; 3342.28, Minimum number of parking spaces required for property located at **3062 WEST BROAD STREET (43204)**, being 0.15± acres located on the north side of West Broad Street, 43± feet west of Westmoor Avenue.

**WHEREAS**, by application No. CV02-049, the owner of property at **3062 WEST BROAD STREET (43204)**, is requesting a Council variance to permit an existing four-unit dwelling in the C-4, Commercial District; and

**WHEREAS**, a Council variance is necessary to permit a ground floor apartment in the C-4, Commercial District; and

**WHEREAS**, Section 3355.02, C-4 Commercial District, prohibits ground floor apartments, while the applicant proposes a four-unit dwelling; and

**WHEREAS**, Section 3342.26, Wheel stop device, requires the applicant to provide wheel stops because his parking lot extends to the property line, while the applicant proposes to not to provide wheel stops because his parking spaces are approximately one foot lower than the parking on the adjacent property; and

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires the applicant to provide eight parking spaces for four dwelling units, while the applicant proposes to provide six parking

spaces; and

**WHEREAS**, the Greater Hilltop Area Commission recommends disapproval; and

**WHEREAS**, City Departments recommend approval and note a hardship exists because the C-4, Commercial District does not permit dwelling units on the ground floor, which is the way this property has been used since the applicant purchased it; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed use; 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 **3062 WEST BROAD STREET (43204)**, 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 3355.02, C-4, Commercial District, 3342.26 Wheel stop device; Section 3342.28, Minimum number of parking spaces required, of the Columbus City Codes are hereby granted for the property located at **3062 WEST BROAD STREET (43204)**, insofar as said sections prohibit a four-unit dwelling in the C-4 Commercial District with six parking spaces and without wheel stops, being more particularly described as follows:

Located in the City of Columbus and being further described and located as follows:

Being Lot Number (12) in Block Number One (1) in COLUMBIA PARK ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 15, Page 27, Recorder's Office, Franklin County, Ohio

010-065423

3062-3070 West Broad Street

**Section 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for four apartments or uses permitted in the C-4, Commercial District.

**Section 3.** That the applicant must remove the existing sign structure fronting on West Broad Street.

**Section 4.** That the applicant must screen the existing dumpster in compliance with Section 3342.09.

**Section 5.** That the applicant complies with "**PROPOSED PARKING PLAN**" drawn by Stacy & Asebrook, Ltd. and dated August 30, 2002.

**Section 6.** That this ordinance is further permits and a Certificate of Occupancy for the proposed use.

**Section 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.