



# City of Columbus

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

## Legislation Text

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**File #:** 0825-2010, **Version:** 2

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### **Council Variance Application: CV09-035**

**APPLICANT:** Wesley Glen, Inc.; c/o Michael T. Shannon, Atty.; Crabbe, Brown & James, LLP; 500 South Front Street, Suite 1200; Columbus, OH 43215.

**PROPOSED USE:** Parking lot and accessory storage building.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The site is developed with three single-unit dwellings, one fronting on Westview Avenue zoned in the R, Rural District, and the other two fronting on Fenway Road zoned in the SR, Suburban Residential District. The requested Council variance will allow the construction of a 126-space parking lot and accessory storage building to be used primarily by employees for the retirement community located to the south across Fenway Road. The single-unit dwelling located on Westview Avenue will be retained, and the applicant is committing to a site plan which includes a fence, landscaping, and gated access from Fenway Road. Variances for reductions to the minimum lot size and rear yard requirements are included in the request. The site is located within the planning area of the *Clintonville Neighborhood Plan* (2009), which recommends single or two-unit residential development for this location. The Plan also recommends that new development along High Street be restricted to the area between the street right-of-way and the parallel alley and not encroach upon residential uses beyond the alley. While there is no alley in this location, the proposal clearly extends into the residential portion of the neighborhood. No recommendation is being made regarding the hardship aspect of this request.

To grant a Variance from the provisions of Sections 3332.02, R, Rural District; 3332.029, SR, Suburban Residential District; 3332.06, R-rural area district requirements; and 3332.27, Rear yard, of the Columbus City Codes, for the property located at **34 FENWAY ROAD (43214)**, to allow a parking lot and accessory storage building with reductions to the minimum lot size and rear yard requirements in the R, Rural, and SR, Suburban Residential Districts (Council Variance #CV09-035).

**WHEREAS**, by application #CV09-035, the owner of property at **34 FENWAY ROAD (43214)**, is requesting a Variance to permit a parking lot and accessory storage building with reductions to the minimum lot size and rear yard requirements in the R, Rural, and SR, Suburban Residential Districts; and

**WHEREAS**, Section 3332.02, R, Residential District, prohibits commercial parking lots and storage buildings as principal uses within the district, while the applicant proposes a 111-space parking lot and an accessory storage building as the only uses on the property; and

**WHEREAS**, Section 3332.029, SR, Suburban Residential District, prohibits commercial parking lots as a principal use within the district, while the applicant proposes a 15-space parking lot as the only use on the property; and

**WHEREAS**, Section 3332.06 R-rural area district requirements, requires that a principal building shall be situated on a lot of no less than five (5) acres in area, while the applicant proposes two new lots that are less than five acres each for the existing single-unit dwelling and the parking lot with accessory storage building; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five percent (25%) of the total lot area, while the applicant proposes a rear yard of less than twenty-five percent (25%) to accommodate the parking lots as shown on the site plan; and

**WHEREAS**, The Clintonville Area Commission recommends disapproval; and

**WHEREAS**, City Departments recommend disapproval because the *Clintonville Neighborhood Plan (2009)*, recommends single or two-unit residential development for this location. The Plan also recommends that new development along High Street be restricted to the area between the street right-of-way and the parallel alley and not encroach upon residential uses beyond the alley. While there is no alley in this location, the proposal clearly extends into the residential portion of the neighborhood; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits for the proposed parking space construction; 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 roads, 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 **34 FENWAY ROAD (43214)**, 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 3332.02, R, Rural District; 3332.029, SR, Suburban Residential District; 3332.06, R-rural area district requirements; and 3332.27, Rear yard, of the Columbus City Codes; is hereby granted for the property located at **34 FENWAY ROAD (43214)**, insofar as said sections prohibit a parking lot and accessory storage building as principle uses, the creation of lots that are less than five acres in the R, Rural District, and a rear yard of less than twenty-five percent (25%) for the proposed parking lots; said property being more particularly described as follows:

**34 FENWAY ROAD (43214)**, being 2.0± acres located on the north side of Fenway Road, 160± feet west of North High Street, and being more particularly described as follows:

**Parcel 2:**

**Tract I:**

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

Being Fifteen (15) feet off the East side of Lot Number Thirteen (13) in Northwold Amended Plat Number 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, page 44, Recorder's Office, Franklin County, Ohio.

**Tract II:**

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

Beginning at a point in the North side of Fenway Road and at the southeast corner of Lot Number Thirteen (13) in the Northwold Amended Plat No. 1, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, page 44, Recorder's Office, Franklin County, Ohio said point of beginning being 269.58 feet west of the West line of North High Street; thence northerly along the East line of Lot Number Thirteen (13) of the Northwold Amended Plat No. 1 Addition, a distance of 125 feet to a point; thence Easterly, parallel with the North line of Fenway Road, a

distance of 50 feet to a point; thence southerly, parallel with the East line of Lot Number Thirteen (13) of Northwold Amended Plat No. 1, a distance of 125 feet to a point in the North line of Fenway Road; thence Westerly along the North line of Fenway Road a distance of 50 feet to a place of beginning, said premises formerly know as Lot Number 12 in Northwold Addition as the said Addition appears of record in Plat Book 19, page 19, Recorder's Office, Franklin County, Ohio.

Tracts I and II herein conveyed, comprise a tract of land on the North side of Fenway Road with a total frontage of 65 feet and a total depth of 125 feet.

**Parcel 9:**

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

Beginning at a point in the north side of Fenway Road, as said road is shown upon the plat of Northwold Addition as the said Addition appears of record in Plat Book 19, page 19, Recorder's Office, Franklin County, Ohio, said point of beginning being at the northwest corner of Fenway Road and the first alley west of North High Street, as shown upon said plat and being 170 feet west of the west line of North High Street (said point of beginning also being the former southeast corner of Lot Number 11 of Northwold Addition); thence northerly along the westerly line of said first alley west of North High Street (and along the former east line of said Lot Number 11) a distance of 125.06 feet to a point, said point being 170 feet west of the west line of North High Street (said point also being the former northeast corner of Lot Number 11); thence westerly, along the former north line of Lot Number 11, a distance of 48.52 feet to a point which point is 125 feet north of the north line of Fenway Road, said point also being the former northwest corner of Lot Number 11; thence southerly, along the former west line of Lot Number 11, a distance of 125 feet to a point in the north line of Fenway Road, which point is also the former southwest corner of Lot Number 11 of said Northwold Addition, said point being 49.58 feet west of the northwest corner of Fenway Road and the first alley west of North High Street; thence easterly, along the North line of Fenway Road, (and also along the former south line of Lot Number 11), a distance of 49.58 feet to the place of beginning; said premises herein described formerly known as Lot Number 11 in said Northwold Addition.

Also:

Being situated in the State of Ohio, County of Franklin, City of Columbus and being the westerly 10.00' of an existing 20.00' alley as shown on the Amended Plat Number One of Northwold Addition (P.B. 20, page 44), said westerly 10.00' beginning at the north line of Fenway Road (50' wide) and terminating at the north line of Lot 11 of said recorded plat and containing 1250 square feet more or less.

**Parcel 10:**

**Tract I:**

Situated in the State of Ohio, County of Franklin and City of Columbus and being a part of Lot 15 of Henry C. Lowrie's Homedale Acre Allotment as the same is numbered and delineated on the recorded plat thereof, of record in Plat Book 10, page 146, Recorder's Office, Franklin County, Ohio.

Being more particularly bounded and described as follows:

Beginning, for reference, at an iron pin found at the northwest corner of Lot 15, and the northeast corner of Lot 16, said point being North 85 degrees 24' 00" West, 308.5 feet from the intersection of the westerly line of High Street and the southerly line of Westview Avenue,

thence, leaving Westview Avenue with the west line of Lot 15, South 04 degrees 07' 00" West, 130.00 feet to an iron pin set, THE TRUE POINT OF BEGINNING,

thence, South 85 degrees 24' 00" East, 108.50 feet crossing Lot 15 to an iron pin set in the easterly line of Lot 15,

thence with said line, South 04 degrees 07' 00" West, 96.82 feet to an iron pin set in the east line of Lot 15,

thence, leaving said east line North 85 degrees 23' 00" West, 108.50 feet crossing Lot 15, to an iron pin in the west line of said Lot 15 and the east line of Lot 16,

thence with the west line of Lot 15, North 04 degrees 07' 00" East, 96.76 feet to THE TRUE POINT OF BEGINNING containing 10,501 square feet or 0.241 acre.

**Tract II:**

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

Being 150 feet off of the south end of Lot No. Fifteen (15) of Henry C. Lowrie's Homedale Acre Allotment, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 10, pages 146-147, Recorder's Office, Franklin County, Ohio.

**Parcel 11:**

**Tract I:**

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

Being Lot Number Sixteen (16) of HENRY C. LOWRIE'S HOMEDALE ACRE ALLOTMENT, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book No. 10, pages 146-7, Recorder's Office, Franklin County, Ohio.

**Tract II:**

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

Being Lot No. Fifteen (15) of Henry C. Lowrie's Homedale Acre Allotment, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 10, pages 146 and 147, Recorder's Office, Franklin County, Ohio.

EXCEPTING THEREFROM a tract the full width of said lot and extending 150 feet northwardly from the southeast and southwest corners of said lot along the east and west lines thereof, being the south 150 feet of said lot.

ALSO EXCEPTING THEREFROM an are beginning at a point in the Northeast corner of Lot No. 15 and the Northwest corner of Lot 8 of Homedale Acre Allotment, the point of beginning; thence in a westerly direction along the North line of Lot 15 and the South line of Westview Avenue 78 feet to a point; thence in a southerly direction and parallel with the West line of Lot 15, 130 feet to a point; thence in an easterly direction and parallel with the North line of said Lot 15, 78 feet to a point in the East line of said Lot 15; thence in a northerly direction along the East line of Lot 15, 130 feet to the place of beginning. The said described area being 78 feet front and 130 feet deep out of the northeast corner of said Lot No. 15.

ALSO EXCEPTING THEREFROM the following tract: beginning, for reference, at an iron pin found at the northwest corner of Lot 15, and the northeast corner of Lot 16, said point being North 85 degrees 24' 00" West, 308.5 feet from the intersection of the westerly line of High Street and the southerly line of Westview Avenue,

thence, leaving Westview Avenue with the west line of Lot 15, South 04 degrees 07' 00" West 130.00 feet to an iron pin set, THE TRUE POINT OF BEGINNING,

thence, South 85 degrees 24' 00" East, 108.50 feet crossing Lot 15 to an iron pin set in the easterly lin of lot 15,

thence with said line, South 04 degrees 07' 00" West, 96.82 feet to an iron pin set in the east line of Lot 15,

thence, leaving said east line North 85 degrees 23' 00" west, 108.50 feet crossing Lot 15, to an iron pin in the west line of said Lot 15 and the east line of Lot 16,

thence, with the west line of Lot 15, North 04 degrees 07' 00" East, 96.76 feet to THE TRUE POINT OF BEGINNING containing 10,501 square feet or 0.241 acres.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a parking lot with accessory storage building, or those uses permitted in the R, Rural and SR, Suburban Residential Districts.

**SECTION 3.** That this ordinance is further conditioned on general conformance with the site plan titled, "**SITE PLAN**," drawn by PH 7 Architects, Inc., dated ~~June 9, 2010~~ **January 19, 2012**, and signed by Michael T. Shannon, Attorney for the Applicant. The Subject Site shall be developed in accordance with the attached site plan. The site plan may be slightly adjusted to reflect engineering, topographical or other site data developed at the time of development or engineering plan completion. Any slight adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned upon the applicant obtaining all applicable permits for the proposed parking lot construction.

**SECTION 5.** That this ordinance is further conditioned upon the following: The developer shall install a crosswalk on Fenway Road to connect the proposed parking lot to the main campus, unless this requirement is waived by the Department of Public Service. The final location and specifications of the crosswalk shall be determined by the Department of Public Service at the time of site compliance plan approval.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.