



# City of Columbus

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

## Legislation Text

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**File #:** 1440-2017, **Version:** 1

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### **Council Variance Application: CV17-017**

**APPLICANT:** Charles L. Arida II; c/o Connie J. Klema, Atty.; PO Box 991; Pataskala, OH 43062.

**PROPOSED USE:** Expand office use.

**CLINTONVILLE AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is developed with a mixed-use building containing office and residential uses. Ordinance No. 0870-91, passed April 22, 1991 (Council Variance # CV90-1081), permitted the property to be used for specified professional office uses in the R-3, Residential District and capped the office use at 1,600 square feet, a reduction from the 3,700 square feet of office space permitted by the previous Council variance (CV81-062). Now, the applicant proposes to expand the area of the building that will permit office uses to 2,965 square feet. Also included in the request will be variances to reduce the required number of parking spaces required from nine to six due to the increase in allowable office area, and to reduce the parking setback line to conform existing conditions on the site. The site is within the planning area of the *Clintonville Neighborhood Plan* (2009), which recommends "single-unit residential" uses for this location. However, the Plan also designates West Henderson Road as a primary corridor and notes that mixed-use buildings should be common on said corridors. The mix of uses requested represents an intensification of office uses relative to the existing variance that allows for office uses, but is generally consistent with the intensity allowed prior to 1991 by CV81-062.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.27(3), Parking setback line; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **26 WEST HENDERSON ROAD (43214)**, to permit expanded office areas within a mixed-use building with reduced development standards in the R-3, Residential District, and to repeal Ordinance No. 0870-91, passed April 22, 1991 (Council Variance # CV17-017).

**WHEREAS**, by application # CV17-017, the owner of property at **26 WEST HENDERSON ROAD (43214)**, is requesting a Council Variance to allow a mixed-use building including office and residential uses with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, prohibits office uses, while the applicant proposes to expand the office area permitted by Ordinance No. 0870-91 within the existing mixed-use building; and

**WHEREAS**, Section 3312.27(3), Parking setback line, requires the parking setback line to be 25 feet, while the applicant proposes to maintain a parking setback line of 11 feet along Henderson Road; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires two parking spaces per dwelling unit (maximum one unit) and one parking space per 450 square feet of general office (maximum 2965 square feet) for a total of nine parking spaces, while the applicant proposes to maintain only six parking spaces; and

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

**WHEREAS**, City Departments recommend approval of the requested variances because the proposed mixed-use will improve an existing contributing building. While the *Clintonville Neighborhood Plan* recommends single family for this site but also designates West Henderson Road as a primary corridor and notes that mixed-use buildings should be common on said corridors. The mix of uses requested represents an intensification of office uses relative to the existing variance that allows for these uses, but is generally consistent with the intensity allowed prior to 1991 by CV81-062; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed new 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 **26 WEST HENDERSON ROAD (43214)**, in using said property as desired; and

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

**SECTION 1.** That a variance from the provisions of Sections 3332.035, R-3 residential district; 3312.27(3), Parking setback line; and 3312.49, Minimum numbers of parking spaces required, of the Columbus City Codes; is hereby granted for the property located at **26 WEST HENDERSON ROAD (43214)**, insofar as said sections prohibit office uses in the R-3, Residential District; a parking setback reduction from 25 feet along West Henderson Road to 11 feet; and a parking space reduction from 9 required parking spaces to 6 spaces; said property being more particularly described as follows:

**26 WEST HENDERSON ROAD (43214)**, being 0.20± acres located on the north side of Henderson Road, 180± feet east of North High Street, and being more particularly described as follows:

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

Being Lot Number Seventy-Seven (77) and the East one-half (1/2) of Lot Number Seventy-Eight (78) of ROSEMARY ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 15, Page 23, Recorder's Office, Franklin County, Ohio, together with that portion of the vacated alley in Ordinance No. 222-29.

LESS AND EXCEPT Parcel 80WD:

Situated in the State of Ohio, County of Franklin, City of Columbus and being part of Lot 77 of the Rosemary Addition in Plat Book 15, page 23, as recorded in the Franklin County Recorder's Office, and being more particularly described as follows:

Being a parcel of land lying on the left side of the centerline of survey of Henderson Road made by the City of Columbus and being located within the following described points in the boundary thereof:

Beginning at an existing iron pin found at the Grantor's southeasterly property corner and the southeasterly corner of said Lot 77, 25.00 feet left of Station 56+40.66 Henderson Road;

Thence along the Grantor's southerly property line and the southerly line of said Lot 77 North 86 degrees 09' 06" West a distance of 14.66 feet to an iron pin set at 25.00 feet left of Station 56+26.00 Henderson Road;

Thence North 03 degrees 50' 54" East a distance of 11.00 feet to an iron pin set 36.00 feet left of Station 56+26.00 Henderson Road;

Thence South 86 degrees 09' 06" East a distance of 14.51 feet to an iron pin set on the Grantor's easterly property line and the easterly line of said Lot 77, 36.00 feet left of Station 56+40.51

Thence along the Grantor's easterly property line and the easterly line of said Lot 77 South 03 degrees 03' 50" West a distance of 11.00 feet to the Point of Beginning, containing 160 square feet (0.0037 acres).

Parcel Number 010-086696.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a mixed-use building containing one dwelling unit and up to 2,965 square feet of office uses limited to administrative and support services, financing and insurance, or professional, scientific, and technical services, or those uses permitted in the underlying R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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

**SECTION 5.** That Ordinance No. 0870-91, passed April 22, 1991, be and is hereby repealed.