



# City of Columbus

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

## Legislation Text

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**File #: 0570-2006, Version: 1**

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**Council Variance: CV05-060**

**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. Under the present R-2F regulations, a dwelling cannot contain more than two dwelling units. The four-unit dwelling was constructed prior to the R-2F zoning district currently in place. Therefore the dwelling is permitted as a non-conforming use. The applicant requests a use variance to preserve the right to restore such units in the event of damage or destruction, regardless of the extent of the damage. Additional variances to development standards are requested for existing conditions, including required minimum side yards, building lines, number of parking spaces, the size of a parking space, and maneuvering. 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; 3342.15, Maneuvering; 3342.19, Parking space; 3342.28 Minimum number of parking spaces required, of the Columbus City Codes for the property located at **34 WEST TULANE ROAD (43202)**, to conform an existing four-unit dwelling with reduced development standards in the R-2F, Residential District (Council Variance CV05-060).

**WHEREAS**, by application No. CV05-060, the owners of property at **34 WEST TULANE 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 Use, permits up to two dwelling units in a building, while the applicant proposes to permit four dwelling units in a 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 11.6 feet; and

**WHEREAS**, Section 3342.15, Maneuvering, requires that every parking and loading space shall have sufficient access and maneuvering area which may occur anywhere on a lot, while the applicant proposes to maintain maneuvering as shown on the attached survey, permitting the use of the adjacent lot as agreed to by the lot owners, their successors and assigns; and

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, or eight (8) spaces, while the applicant proposes to maintain four (4) spaces for the existing building; and

**WHEREAS**, Section 3342.19, Parking space, requires an area of not less than nine (9) by eighteen (18) feet, while the applicant proposes to maintain a parking space that is 8.72 feet wide; 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 **34 WEST TULANE 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; 3342.15, Maneuvering; 3342.19, Parking space; and 3342.28, Minimum number of parking spaces required of the Columbus City codes; for the property located at **34 WEST TULANE ROAD (43202)**, insofar that said sections prohibit a four-unit dwelling with a 19.9 foot building setback from West Tulane Road, an 11.6 foot combined minimum side yard when 13.6 feet is required, a maneuvering area on an adjacent lot when on-site maneuvering is required, an 8.72 foot wide parking space when 9 feet in width is required, and a parking space reduction from eight (8) required spaces to four (4); said property being more particularly described as follows:

**LEGAL DESCRIPTION FOR 34 WEST TULANE ROAD**

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

Being Lot Number Ninety-one (91), excepting sixteen (16) feet off of the southeast side, of SUNSET PARK ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, page 17, Recorder's Office, Franklin County, Ohio.

Also a strip of ground off Lot Number Ninety-two (92) of SUNSET PARK ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, page 17, Recorder's Office, Franklin County, Ohio, which strip is more particularly described as follows:

Beginning at the Northwest corner of Lot Number 91, which also is the southwest corner of Lot Number 92 and running at a right angle to the west lot line of said Lot Number 92, 52 feet to a point; thence eastwardly to the northeast corner of said Lot Number 92, thence with the rear line of said Lot Number 92, 19.5 feet to the southeast corner of said Lot Number 92; thence with the south line of Lot Number 92, 121.25 feet to the place of beginning.

Parcel No.: 010-063993

Property Address: 34 West Tulane Avenue, 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 "**Condominium Plat of 34 W. Tulane Road,**" drawn by Landmark Survey Group, Incorporated, and signed and dated March 9, 2006 by Connie Klema, applicant.

**SECTION 3.** 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 building with brick exterior; gabled slate roof, front entry with high pitch gable roof, and windows on the south/front framed with lap siding.

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