



## Legislation Details (With Text)

**File #:** 2580-2013      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 10/29/2013      **In control:** Zoning Committee

**On agenda:** 12/9/2013      **Final action:** 12/11/2013

**Title:** To grant a Variance from the provisions of Section 3332.027, RR, Rural Residential District, of the Columbus City codes; for the property located at 5811 OLENTANGY RIVER ROAD (43235), to permit a boarding house in the RR, Rural Residential District (Council Variance # CV13-036). (REPEALED BY ORDINANCE 0484-2023 PASSED 2/28/2023) BA

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD#2580-2013.Attachments, 2. Notice Of Public Hearing - Council Mtg20131209

Date	Ver.	Action By	Action	Result
12/11/2013	1	CITY CLERK	Attest	
12/11/2013	1	ACTING MAYOR	Signed	
12/9/2013	1	COUNCIL PRESIDENT	Signed	
12/9/2013	1	Zoning Committee	Approved	Pass
12/2/2013	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV13-036**

**APPLICANT:** Peter and Jill Dole; c/o David Hodge, Atty.; Smith & Hale LLC; 37 W. Broad St., Suite 725; Columbus, OH 43215.

**PROPOSED USE:** Boarding house.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will allow an existing single-family dwelling and carriage house to be used as a boarding house with living quarters for the owners in the RR, Rural Residential District. The site is developed with an estate home and carriage house as approved by Ordinance No. 1396-96 (CV96-019). CV96-019 restricted the second dwelling (carriage house) be used for the exclusive use by residents of the principal structure and that the space not be leased to others. The requested Council Variance is necessary because only multi-family residential zoning districts would permit this use and rezoning is not appropriate. Boarding houses are usually integrated into residential neighborhoods in order for patrons to experience the ambiance and charm that the neighborhood can offer. The boarding house will function as a low impact use that is residential in nature that should integrate well with surrounding residential uses.

To grant a Variance from the provisions of Section 3332.027, RR, Rural Residential District, of the Columbus City codes; for the property located at **5811 OLENTANGY RIVER ROAD (43235)**, to permit a boarding house in the RR, Rural Residential District (Council Variance # CV13-036). **(REPEALED BY ORDINANCE 0484-2023 PASSED 2/28/2023)**  
**BA**

**WHEREAS**, by application #CV13-036, the owner of the property at **5811 OLENTANGY RIVER ROAD (43235)**, is requesting a Variance to permit a boarding house in the RR, Rural Residential District; and

**WHEREAS**, Section 3332.027, RR, Rural Residential district, does not permit a boarding house use, while the applicant proposes to convert an existing single-unit dwelling and carriage house into a boarding house with living quarters for the owners; and

**WHEREAS**, this variance will allow a boarding house in the RR, Rural Residential District; and

**WHEREAS**, City Departments recommend approval because boarding houses are usually integrated into residential neighborhoods in order for patrons to experience the ambiance and charm that the neighborhood can offer. The boarding house will function as a low impact use that is residential in nature and should integrate well with surrounding residential uses; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed boarding house 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 **5811 OLENTANGY RIVER ROAD (43235)**, in using said property as desired and; now, therefore:

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

**SECTION 1.** That a variance from the provisions of Section 3332.027, RR, Rural Residential District, of the Columbus City codes; for the property located at **5811 OLENTANGY RIVER ROAD (43235)**, insofar as said section prohibits a boarding house; said property being more particularly described as follows:

**5811 OLENTANGY RIVER ROAD (43235)**, being 3.9± acres located on the west side of Olentangy River Road, 185± feet south of Greenridge Road, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, being in Lot 14, Section 3, Township 2, Range 18, United States Military Lands, and being 3.970 acres out of that original 13.985 acre tract of land as conveyed in a deed to Margaret W. Timmons, of record in Deed Book 1272, page 311 (all references to Deed Books and Plat Books are of record in the Recorder's Office, Franklin County, Ohio), and said 3.970 acres being more particularly described as follows:

Beginning at a P.K. nail in the centerline of Olentangy River Road (S.R. 315), said P.K. nail also being the northeast corner of that original 13.985 acre tract as conveyed in a deed to George W. Timmons and Son, Inc., of record in Deed Book 2950, page 253;

Thence S. 0 deg. 48' 07" E., with the centerline of Olentangy River Road (S.R. 315), a distance of 508.20 feet to a railroad spike;

Thence through the remainder of said original 13.985 acre tract, the following three (3) courses:

(1) N. 72 deg. 29' 29" W., a distance of 293.77 feet to an iron pin;

(2) N. 76 deg. 17' 23" W., a distance of 156.11 feet to an iron pin;

(3) S. 78 deg. 06' 11" W., a distance of 130.51 feet to an iron pin in the easterly line of the Columbus Board of Education 2.511 acre tract of land of record in Deed Book 3143, page 507;

Thence with said easterly line N. 2 deg. 17' 41" E., a distance of 106.14 to an iron pin a southerly line of Timbrook Farm No. 1 of record in Plat Book 39, pages 12-13, said iron pin also being the northeast corner of the aforementioned Columbus Board of Education 2.511 acre tract of land;

Thence with the southerly line of said Timbrook Farm No. 1 N. 80 deg. 51' 08" E., a distance of 3.15 feet to a point;

Thence continuing with said southerly line S. 89 deg. 05' 59" E., a distance of 214.13 feet to an iron pin in the southeast corner of said Timbrook Farm No. 1;

Thence with the east line of Timbrook Farm No. 1, N. 0 deg. 22' 40" E., a distance of 314.45 feet to an iron pin in a southerly line of Indian Hills Subdivision of record Plat Book 34, pages 15-16 said iron pin also being the northeast corner of Timbrook Farm No. 1 and;

Thence with said southerly line of Indian Hills Subdivision and the most northerly line of that original 13.985 acre tract conveyed to Margaret W. Timmons, of record in Deed Book 1272, page 311, S. 88 deg. 36' 50" E., a distance of 329.00 feet to the place of beginning, and containing 3.970 acres of land, more or less.

Subject to all rights-of-way, easements and restrictions, if any, or previous record.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used a boarding house.

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

**SECTION 4.** That this ordinance is further conditioned upon the maximum number of guest rooms being five (5), four guestrooms within the main estate home, and one (1) guestroom located within the carriage house.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 6.** That Ordinance No. 1396-96, passed on July 1, 1996, be and is hereby repealed.