



## Legislation Text

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**File #:** 3062-2015, **Version:** 1

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### **Council Variance Application: CV15-002**

**APPLICANT:** John Massimiani, c/o Brent Racer, New Avenue Architects & Engineers; 4740 Reed Road, Suite 201; Columbus, OH 43220.

**PROPOSED USE:** Single-unit dwelling.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested variance will conform an existing single-unit dwelling in the C-4, Commercial District. A Council variance is necessary because residential uses are only permitted above specified commercial uses in the C-4, Commercial District. The site is located within the boundaries of the 5<sup>th</sup> by Northwest Area Plan (2009), which recommends single and two-unit residential development for this location. A hardship exists because the non-conforming nature of the site precludes financing options and prevents the owner from making improvements to the structure. The dwelling has been long established on this lot and is consistent with the residential uses that are prevalent in the surrounding neighborhood. Approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3312.49, Minimum number of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes; for the property located at **1382 WESTWOOD AVENUE (43212)**, to conform an existing single-unit dwelling in the C-4, Commercial District with reduced development standards (Council Variance # CV15-002).

**WHEREAS**, by application No. CV15-002, the owner of property at **1382 WESTWOOD AVENUE (43212)**, is requesting a Council variance to conform an existing single-unit dwelling in the C-4, Commercial District with reduced development standards; and

**WHEREAS**, Section 3356.03, C-4 Permitted Uses, permits dwelling units only above certain commercial uses, while the applicant proposes to maintain an existing single-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, while the applicant proposes one (1) parking space; and

**WHEREAS**, Section 3356.11, C-4 district setback lines, requires a 10-foot building setback line along Westwood Avenue, while applicant proposes to maintain a building setback line of 6.92± feet; and

**WHEREAS**, The Fifth by Northwest Area Commission recommends approval; and

**WHEREAS**, The City Departments recommend approval because this request will not add a new or incompatible use to the area. The requested variance will conform an existing single-unit dwelling in the C-4, Commercial District, and the 5<sup>th</sup> by Northwest Area Plan recommends single and two-unit residential development for this location; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **1382 WESTWOOD AVENUE (43212)**, in using said property as desired; now, therefore:

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

**SECTION 1.** Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3312.49, Minimum number of parking spaces required; and 3356.11, C-4 district setback lines, of the Columbus City Codes, are hereby granted for the property located at **1382 WESTWOOD AVENUE (43212)**, insofar as said sections prohibit a single-unit dwelling in the C-4, Commercial District with only one (1) parking space, and a building setback of 6.92± feet along Westwood Avenue; said property being more particularly described as follows:

**1382 WESTWOOD AVENUE (43212)**, being 0.05± acres located on the east side of Westwood Avenue, 108± feet south of West Third Avenue, and being more particularly described as follows:

Legal Description for 1382 Westwood Ave., Columbus, Ohio

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

Being Sixty feet (60') off of the South end of Lot Number Three Hundred Seventy-three (373), of FRANK S. WAGANTHALS, ET AL AMENDED SUBDIVISION, of lots 94 to 252 inclusive, 319 to 429, inclusive, to John R. Tilton's Gladdington Heights Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 412 and 413, Recorder's office, Franklin County, Ohio.

Parcel No. : 010-77339

Property Address: 1382 Westwood Avenue, Columbus, Ohio

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

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.