



City of Columbus

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

Legislation Text

File #: 0856-2016, **Version:** 1

Council Variance Application: CV15-075

APPLICANT: Kenneth Mollica; c/o Dow Voelker, Atty.; 1620 West First Avenue; Columbus, OH 43212.

PROPOSED USE: Four-unit dwelling.

FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant has received a recommendation of approval from Staff and the Development Commission for a concurrent rezoning (Ordinance No. 0855-2016; Z15-055) to the R-4, Residential District. The requested variances will bring an existing four-unit dwelling into compliance with R-4, Residential District standards. Variances are included for a reduction in the required number of parking spaces from 6 to 4, and reductions in R-4 area district, lot width, and yard requirements. Staff recognizes these variances to be negligible and consistent with the established development pattern of this neighborhood.

To grant a Variance from the provisions of Sections 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.26(C)(E), Minimum side yard permitted, of the City of Columbus codes; for the property located at **1764 NORTHWEST BOULEVARD (43212)**, to permit a four-unit dwelling with reduced development standards in the R-4, Residential District (Council variance # CV15-075).

WHEREAS, by application No. CV15-075, the owner of property at **1764 NORTHWEST BOULEVARD (43212)**, is requesting a Council variance to permit a four-unit dwelling with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or six (6) spaces total for the four-unit dwelling, while the applicant proposes four (4) parking spaces; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot no less than fifty (50) feet wide, while the applicant proposes to maintain the existing forty-nine (49) foot wide lot; and

WHEREAS, Section 3332.15, R-4 area district requirements, requires a lot of no less than 2,500 square feet per dwelling, while the applicant proposes to conform a four-unit dwelling on a 6,372 square foot lot (1,593 square feet of lot area per dwelling unit); and

WHEREAS, Section 3332.26(C)(E), Minimum side yard permitted, requires a minimum side yard of five (5) feet for a four-unit dwelling with a lot width of fifty (50) feet, and a minimum side setback for a detached garage of three (3) feet, while the applicant proposes to maintain a side yard of 3.8 feet along the east lot line for the existing four-unit dwelling on a forty-nine (49) foot wide lot, with a side yard of two (2) feet for the existing detached garage; and

WHEREAS, the Fifth by Northwest Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances which will bring an existing four-unit dwelling and parcel into compliance with R-4, Residential District standards. Staff recognizes these variances to be negligible and consistent with the established development pattern of this neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed use (if applicable); 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 **1764 NORTHWEST BOULEVARD (43212)**, 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 Sections 3312.49, Minimum numbers of required parking spaces; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; and 3332.26(C)(E), Minimum side yard permitted, of the City of Columbus codes, is hereby granted for the property located **1764 NORTHWEST BOULEVARD (43212)**, insofar as said sections prohibit a four-unit dwelling with a parking space reduction from six (6) spaces to four (4) spaces; a reduced lot width from fifty (50) feet to forty-nine (49) feet; a reduction in lot area per dwelling unit from 2,500 square feet to 1,593 square feet; and a reduced side yard on the east side of the existing dwelling from five (5) feet to 3.8 feet, and on the east side of the detached garage from three (3) feet to two (2) feet; said property being more particularly described as follows:

1764 NORTHWEST BOULEVARD (43212), being 0.15± acres located on the northeast side of Northwest Boulevard, 350± feet northwest of Chambers Road, and being more particularly described as follows:

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

Being a part of Lot No. 4, as set off and assigned to Hester A. Orr in partition in the case of Lucy T. Byers, Plaintiff, versus Minnie Matlack, et al. Defendants Case No. 46847, Court of Common Pleas, Franklin County, Ohio, as said Lot No. 4 appears upon the Commissioners' plat in said Case marked Exhibit "A", and being a part of Quarter Township 3, Township 1, Range 18, United States Military Lands, in said Clinton Township, Franklin County, Ohio, and being a part of the 15.30 acres of land conveyed by King G. Thompson, as Receiver of the Northwest Boulevard Company, to Anna Roessler and Hazel Moore by deed dated October 21, 1941 and recorded in Deed Book 1177, page 219, Recorder's Office, Franklin County, Ohio, and bounded and described as follows:

Beginning at an iron pin in the northeasterly line of Northwest Boulevard located South 58° East a distance of 411.17 feet from an iron pin in the said northeasterly line of Northwest Boulevard marking the southwesterly corner of said 15.30 acre tract of land; thence north 32° east, at right angles to Northwest Boulevard, a distance of 130.0 feet to an iron pin; thence South 58° East, along the southwesterly line of a 20 foot easement established for alley and public utility purposes in a certain deed from Anna Roessler, et al, to Ohio Defense Homes Corporation, dated December 15, 1941, and recorded in Deed Book 1178, page 151, Recorder's office, Franklin County, Ohio, a distance of 49.0 feet to an iron pin, thence South 32° West, at right angles to Northwest Boulevard, a distance of 130.0 feet: to an iron pin in the said northeasterly line of Northwest Boulevard; thence North 58° West, along said northeasterly line of Northwest Boulevard, a distance of

49.0 feet to the point of beginning, containing 0.1462 acres.

Together with an easement and right to use for alley purposes a strip of ground 20 feet in width immediately adjoining the premises above described in the rear which 20 foot strip extends southeasterly and then southerly to the Northwest Boulevard and also all of the Grantors right, title and interest in and to said alley.

Parcel 010-170948

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 those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being maintained in general conformance with the plan titled, “**SURVEY NUMBER: 177477**,” signed by Scott D. Grundei, Surveyor, and dated December 9, 2015. The plan may be slightly adjusted to reflect engineering, topographical, or other site data developed at the time of the development and when engineering and architectural drawings are completed. Any slight adjustments to the plans shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy (if applicable) for the proposed use.

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