



Legislation Details (With Text)

File #: 3132-2022 **Version:** 1

Type: Ordinance **Status:** Passed

File created: 11/4/2022 **In control:** Zoning Committee

On agenda: 11/21/2022 **Final action:** 11/23/2022

Title: To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at 870-874 DENNISON AVE. (43201), to permit a four-unit dwelling and a three-unit dwelling on one lot with reduced development standards in the R-4, Residential District (Council Variance #CV22-088).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD#3132-2022_Attachments, 2. ORD#3132-2022_Labels

Date	Ver.	Action By	Action	Result
11/23/2022	1	ACTING CITY CLERK	Attest	
11/22/2022	1	MAYOR	Signed	
11/21/2022	1	COUNCIL PRESIDENT	Signed	
11/21/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
11/21/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
11/21/2022	1	Zoning Committee	Approved	Pass
11/14/2022	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV22-088

APPLICANT: Crystal Fleming; c/o Gary J. Alexander, Architect; 1265 Neil Avenue; Columbus, OH 43201

PROPOSED USE: Residential development.

VICTORIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel in the R-4, Residential District that is developed with a four-unit dwelling at the front of the lot and a three-unit dwelling at the rear. The requested Council Variance will permit the replacement of the three-unit dwelling, for a total of seven dwelling units on one lot. A Council variance is necessary because the R-4 district permits a maximum of four dwelling units in one building on one lot. The request includes variances to lot width, area district requirements, basis of computing area, fronting, and side and rear yards. The site is not located within the boundaries of any adopted land use plan, however the requested use and standard variances are consistent with the development pattern and density in historic urban neighborhoods.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **870-874 DENNISON AVE. (43201)**, to permit a four-unit dwelling and a three-unit dwelling on one lot with reduced development standards in the R-4, Residential District (Council Variance #CV22-088).

WHEREAS, by application #CV22-088, the owner of the property at **870-874 DENNISON AVE. (43201)**, is requesting a Variance to permit a four-unit dwelling and a three-unit dwelling on one lot with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4 residential district, permits a maximum of four units in one building, while the applicant proposes a four-unit dwelling and a three-unit dwelling for a total of seven dwelling units on one lot; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-4, Residential District, while the applicant proposes to maintain a lot width of 41.06± feet; and

WHEREAS, Section 3332.15, R-4 area district requirements, requires that a dwelling containing three or four dwelling units shall be situated on a lot with an area that equals or exceeds 2,500 square feet per dwelling unit, while the applicant proposes a four-unit dwelling and a three-unit dwelling on a lot that contains 5,043± square feet, or 720 square feet per dwelling, pursuant to the lot area calculation in Section 3332.18(C); and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to maintain a lot coverage of 51± percent; and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes a three-unit dwelling fronting on a rear public alley; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, a maximum requirement of 8.21 feet for a 41.06 foot wide lot, while the applicant proposes a maximum side yard of 3.94 feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes side yards of three feet along the south property line, and of 0.94 feet along the north property line; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes a reduced rear yard of 16.9 percent for the four-unit dwelling, and no rear yard for the three-unit dwelling; and

WHEREAS, the Victorian Village Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council variance will permit a residential development that is consistent with the housing types, density and development pattern found in the surrounding area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed three-unit dwelling; 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 **870-874 DENNISON AVE. (43201)**, 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 hereby granted from the provisions of Sections 3332.039, R-4 residential district; 3332.05(A)(4), Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **870-874 DENNISON AVE. (43201)**, insofar as said sections prohibit a four-unit dwelling and a three-unit dwelling on the same lot in R-4, Residential District; with a reduced lot width from 50 feet to 41.06 feet; reduced lot area from 2,500 square feet per dwelling unit to 720 square feet per dwelling unit; an increased lot coverage from 50 percent to 51 percent; no frontage on a public street for the three-unit dwelling; a reduced maximum side yard from 8.21 feet to 3.94 feet; a reduced minimum side yard from five to three feet on the south property line and 0.94 feet on the north property line; and a reduced rear yard from 25 percent to 16.9 percent for the four-unit dwelling, and no rear yard for the three-unit dwelling; said property being more particularly described as follows:

870-874 DENNISON AVE. (43201), being 0.15± acres located at the southeast corner of Dennison Avenue and West Prescott Street, and being more particularly described as follows:

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

Lot No. 13 of STERLING HEIRS SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book E, page 9, Recorder's Office, Franklin County, Ohio, and as the same is numbered and delineated on the plat of said subdivision made by the Commissioners in Case of Harry C. Hubbard against Charles M. Hubbard, et al., of record in Complete Record 193, page 478, Common Pleas Court, and said plat being of record in Deed Book 222, page 176, also known as 870- 872-874-876 Dennison Ave.

Tax district number and parcel number: 010-018790-00

Street address of property: 870 - 876 Dennison Ave., Columbus, OH Prior instrument

reference: Volume 05746 Page H19
of the Deed Records of Franklin County, 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 four-unit dwelling and a three-unit dwelling on the same lot in accordance with the submitted site plan, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**870-874 DENNISON AVE REAR**," dated October 20, 2022, and signed by Gary J. Alexander, Architect. The plans 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 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 Certificates of Occupancy for the proposed three-unit dwelling.

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