



Legislation Text

File #: 1197-2022, **Version:** 2

Council Variance Application: CV21-131

APPLICANT: Nitzan Levi; 66 South Douglass Avenue, Unit 203; Columbus, OH 43205.

PROPOSED USE: Two single-unit dwellings on one lot.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one undeveloped parcel zoned in the R-2F, Residential District. The requested Council Variance will permit the construction of a single-unit dwelling and a single-unit carriage house above a detached garage. A Council variance is necessary because, although the R-2F, Residential District permits a two-unit dwelling, it does not permit two detached single-unit dwellings on one lot. The request includes variances for lot width, lot size, fronting, side yard, and rear yard. The site is within the planning area of the *Near East Area Plan* (2005), which does not have a recommended land use for this location, but recommends that new housing be consistent with the housing types, density, and development pattern of the neighborhood. City staff supports the requested variance as the elevations are consistent with the Plan's design guidelines, and with the recent infill development pattern in historic urban neighborhoods.

To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3332.05(A)(1), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **163 N. 22ND ST. (43203)**, to permit two single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District (Council Variance #CV21-131)...**and to declare an emergency.**

WHEREAS, by application #CV21-131, the owner of the property at **163 N. 22ND ST. (43203)**, is requesting a Variance to permit two single-unit dwellings on one lot with reduced development standards in the R-2F Residential District; and

WHEREAS, Section 3332.037, R-2F, residential district, permits a maximum of two units in one building, but prohibits two single-unit dwellings on one lot, while the applicant proposes to develop a dwelling unit above a garage (a carriage house) and a single-unit dwelling; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a minimum lot width of 50 feet in the R-2F, Residential District, while the applicant proposes to conform the existing lot width of 40 feet; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 6,000 square feet in area, while the applicant proposes two separate single-unit dwellings on a lot that contains 4,800 square feet (pursuant to lot area calculation in 3332.18(C)) totaling 2,400 square feet of lot area per dwelling unit; and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes for the rear carriage house dwelling to front on the public alley; and

WHEREAS, Section 3332.25(B), 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 feet for a 40 foot wide lot, while the applicant proposes a maximum side yard of 6 feet for the carriage house; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes no rear yard for the rear carriage house dwelling; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances would permit development of a single-unit dwelling and carriage house in character and scale with the dwellings on the surrounding properties; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **163 N. 22ND ST. (43203)**, in using said property as desired; and

WHEREAS, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance due to the need of the applicant to begin construction immediately in order to move forward with the timeline agreed upon by the applicant and the land bank for the immediate preservation of the public peace, property, health and safety; now, therefore:**

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

SECTION 1. That a variance is hereby granted from the from the provisions of Sections 3332.037, R-2F residential district; 3332.05(A)(1), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.19, Fronting; 3332.25, Maximum side yards required; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **163 N. 22ND ST. (43203)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-2F, Residential District; with a reduction in the lot width from 50 feet to 40 feet; a reduction in the required lot area from 6,000 square feet to 2,400± square feet per dwelling unit; no frontage on a public street for the rear carriage house dwelling; a reduction in the maximum side yard from 8 feet to 6 feet for the carriage house dwelling; and no rear yard for the carriage house dwelling; said property being more particularly described as follows:

163 N. 22ND ST. (43203), being 0.12± acres located on the west side of North 22nd Street, 260± feet north of East Long Street, and being more particularly described as follows:

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

Being Lot Number Seventy Three (73) and Ten (10) feet off the North Side of Lot Number Seventy-four (74) of Henry E. Gills Subdivision as the said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 332, Recorder's Office, Franklin County, Ohio.

Property Address: 163 N. 22nd Street, Columbus, Ohio 43203
Parcel No. 010-014760

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings on the same lot, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**PROPOSED SITE PLAN**," and the building elevations titled, "**163 NORTH TWENTY SECOND COLUMBUS OHIO**," both dated April 20, 2022, and signed by Nitzan Levi, Applicant. 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 uses.

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

SECTION 6. That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.