

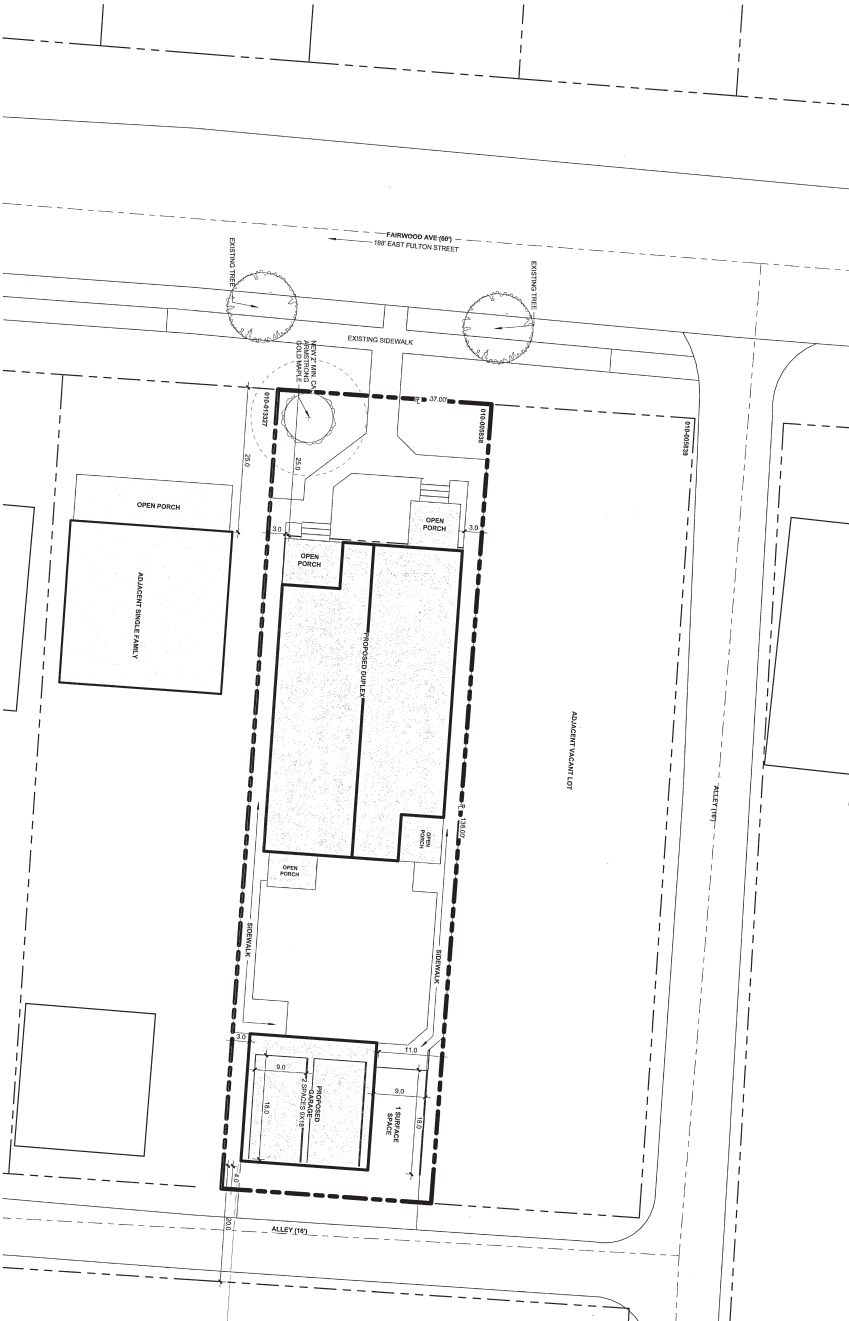
SITE PLAN

CV25 - 021

THE ARRANGEMENTS DEPICTED HEREIN ARE THE
PROPERTY OF COLLABUS DESIGN LLC.
ALL RIGHTS RESERVED © 2004

<u>SITE DATA TABLE</u>	
ADDRESS	578 FAIRWOOD AVE
PARCEL NO.	010-004838
EXISTING ZONING	R3
HEIGHT DISTRICT	H-35
EXISTING AREA	.11 AC +/-, 5,000 SF +
A ZONING	
PROPOSED ZONING	R3 (NO CHANGE)
VARIANCE #	CV25 - 021

PROPOSED USE:	2 DWELLING UNITS (DUPLEX)
HEIGHT:	2 STORIES 37' MAX
GARAGE HEIGHT:	12' (MAX TO ROOF)
LOT COVERAGE:	SEE SITE AREA CALCULATION
REAR YARD:	SEE SITE AREA CALCULATION
SETBACKS:	AS NOTED
C. PARKING:	
2 DU	2 SPACES PER UNIT REQUIRED
1 DU	1 SPACE PER UNIT REQUIRED
PARKING PROVIDED:	3 TOTAL SPACES
D. SITE:	
REDUCE	CITY OF COLUMBUS
THREE	1 TRAIL, 10 DU REQUIRED (1 THREE PROVIDED)



**CITY COUNCIL – ZONING COMMITTEE
STAFF REPORT
COUNCIL VARIANCE**

APPLICATION: **CV25-021**
Location: **576 FAIRWOOD AVE. (43205)**, being 0.12± acres on the east side of Fairwood Avenue, 225± feet south of East Mound Street (010-005838; Near East Area Commission).
Existing Zoning: R-3, Residential District.
Proposed Use: Two-unit dwelling.
Applicant(s): EZ Propertyts, LLC; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.
Property Owner(s): EZ Propertyts, LLC; c/o Erez Hagiel; 507 Fairwood Avenue; Columbus, OH 43205.
Planner: Tim Dietrich; 614-645-6665; tedietrich@columbus.gov

BACKGROUND:

- The site consists of one undeveloped parcel in the R-3, Residential District. The requested Council variance will allow a two-unit dwelling with accompanying variances to lot width, side yards, and required parking.
- A Council variance is required because the R-3 district only allows one single-unit dwelling per lot.
- North of the site is an undeveloped lot in the R-3, Residential District. South, east and west of the site are single-unit dwellings in the R-3, Residential District.
- The site is within the boundaries of the *Near East Area Plan* (2005), which does not contain a specific land use recommendation for this location. The Plan does support new infill housing that contributes to a walkable and diverse neighborhood, and includes design guidelines.
- The site is located within the boundaries of the Near East Area Commission, whose recommendation is for approval.
- Staff concurs with the applicant's analysis of the seven practical difficulties in achieving this proposed two-unit dwelling.

CITY DEPARTMENTS' RECOMMENDATION: Approval

The requested Council variance will allow a two-unit dwelling as demonstrated with the submitted site plan. The proposed use is consistent with the surrounding housing types and densities and is compatible to similar residential infill developments within urban neighborhoods.

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

STATEMENT OF HARDSHIP

Columbus City Code Section 3307.10 - Variances by City Council.

City council may grant the following zoning variances:

- A. Permit a variation in the yard, height or parking requirements of any district only in conjunction with a change in zoning or a use variance and only where there are unusual and practical difficulties in the carrying out of the zoning district provisions due to an irregular shape of lot, topography, or other conditions, providing such variance will not seriously affect any adjoining property or the general welfare.
- B. Permit a use of the property not permitted by the zoning district established on the property if such use will not adversely affect the surrounding property or surrounding neighborhood and if council is satisfied that the granting of such variance will alleviate some hardship or difficulty which warrants a variance from the comprehensive plan.

Before authorizing any variance from the Zoning Code in a specific case, city council shall first determine that such 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.

In granting a variance pursuant to this section, council may impose such requirements and conditions regarding the location, character, duration, and other features of the variance proposal as council deems necessary to carry out the intent and purpose of this Zoning Code and to otherwise safeguard the public safety and welfare.

The following factors shall be used in determining whether the applicant has encountered practical difficulties in the use of the property. Respond to the following statements:

1. Whether the property in question will yield a reasonable return or whether there can be any beneficial use of the property without a variance.

☐ Yes ☒ No

Applicant proposes to build a two (2) dwelling unit building on a vacant platted lot. The R-3 area of NEAC is characterized by many forms of land use. Many two dwelling unit buildings by variance in the R-3 have been supported by staff, NEAC and City Council.

2. Whether the variance is substantial.

☐ Yes ☒ No

The Near East Area Commission has a wide range of dwelling unit configurations with many uses other than single family dwellings in the R-3 District. There is past precedent for approval of variances for two dwelling unit buildings in the R-3.

3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.

☐ Yes ☒ No

The essential character of the neighborhood won't be altered nor will adjoining properties suffer a detriment. The Near East Area Commission has a wide range of residential configurations including many uses other than single family dwellings in the R-3 District.

Council Variance Application

111 N Front Street, Columbus, Ohio 43215

Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

4. Whether the variance would adversely affect the delivery of governmental services (e.g., water, sewer, refuse service).

☐ Yes ☒ No

There will be no effect on the delivery of governmental services.

5. Whether the property owner purchased the property with knowledge of the zoning restriction.

☐ Yes ☒ No

Applicant didn't have knowledge of the zoning restriction when the parcel was purchased
(11/16/2023). The need for a zoning variance for a two dwelling unit building was determined during
recent due diligence.

6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.

☐ Yes ☒ No

A variance application is required for the proposed development.

7. Whether the spirit and intent behind the zoning requirement would be observed and substantial justice done by granting the variance.

☒ Yes ☐ No

The spirit and intent of the zoning requirement will be observed and substantial justice done by
granting the variance. A characteristic of the Near East Area Commission area is a wide range of land
uses, including single-family, two-family and multi-family residential land uses.

List all sections of Code to be varied and explain your reasoning as to why this request should be granted.

NOTE: It is the applicant's responsibility to identify all variances required for the project. If any necessary variances are not included, a new application (and applicable fees) will be required.

I have read the foregoing and believe my application for relief from the requirements of the Zoning Code contains the necessary hardship, will not adversely affect surrounding property owners, and will comply with the variance(s) requested as detailed below (use separate page if needed or desired):

The site is one (1) vacant platted lot/parcel zoned R-3 from the 1974 Model Cities area rezonign of a
large area of the Near East Area Commission area. Applicant proposes to build a two-family dwelling.
The platted lot/parcel meets the requirements of Section 3332.16, Exception for Single or Two-Family
Dwelling, having been platted prior to 1959.

Exhibit B, page 3 for requested variances.

Signature of Applicant

EZ Property's LLC by Don't B. Perry Agent

Date 2/26/2025

Signature of Attorney

Donald Heenk

Date 2/26/25

CV25-021

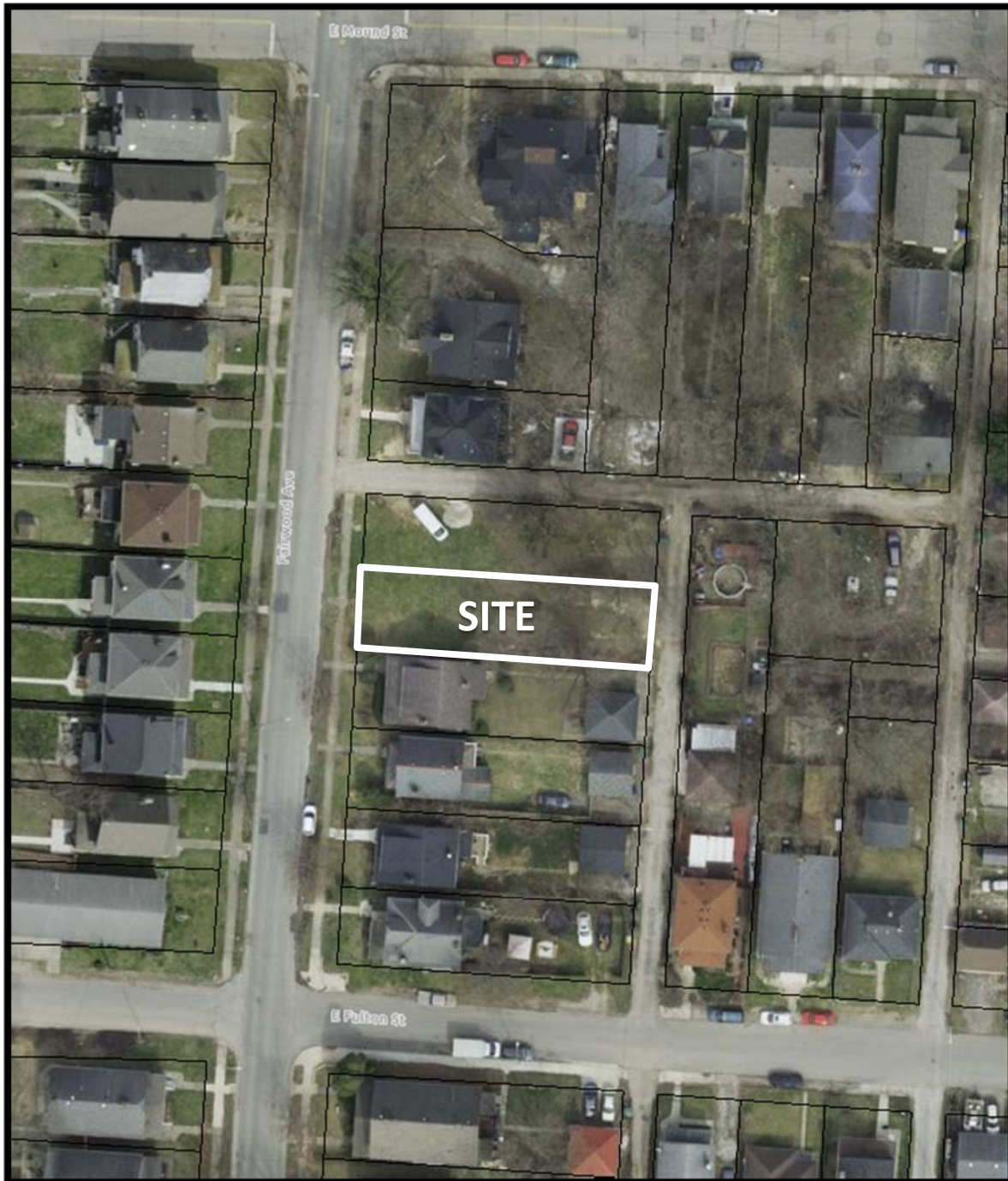
576 Fairwood Avenue, Columbus, OH 43205

Variances:

- 1). Section 3332.035, R-3 Residential District, to permit a two (2) dwelling unit building.
- 2). Section 3312.49, Required Parking, to reduce parking from 4 spaces to 3 spaces.
- 3). Section 3332.05(4), Area District Lot Width Requirements, to reduce lot width from 50 feet to 37 feet (existing).
- 4). Section 3332.25, Maximum Side Yards Required, to reduce total side yard from 7.4' (20% of lot width) to 6'.



CV25-021
576 Fairwood Ave.
Approximately 0.12 acres



CV25-021
576 Fairwood Ave.
Approximately 0.12 acres

Standardized Recommendation FormDEPARTMENT OF BUILDING
AND ZONING SERVICES111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs**FOR USE BY: AREA COMMISSION / NEIGHBORHOOD GROUP**
(PLEASE PRINT)

Case Number CV25-021

Address 576 FAIRWOOD AVE. (43205)

Group Name NEAR EAST AREA COMMISSION

Meeting Date 4/10/2025

Specify Case Type

☐ BZA Variance / Special Permit

☒ Council Variance

☐ Rezoning

☐ Graphics Variance / Plan / Special Permit

Recommendation
(Check only one)

☒ Approval

☐ Disapproval

LIST BASIS FOR RECOMMENDATION:**Vote**12-0-1**Signature of Authorized Representative**Nathan S. R. Harris**Recommending Group Title**NEAC**Daytime Phone Number**614-753-3894Please e-mail this form to the assigned planner within 48 hours of meeting day; OR MAIL to: Zoning, City of Columbus,
Department of Building & Zoning Services, 111 N Front Street, Columbus, Ohio 43215.

Council Variance Application

DEPARTMENT OF BUILDING
AND ZONING SERVICES

111 N Front Street, Columbus, Ohio 43215
Phone: 614-645-4522 • ZoningInfo@columbus.gov • www.columbus.gov/bzs

PROJECT DISCLOSURE STATEMENT

APPLICATION #: CV25- 021

Parties having a 5% or more interest in the project that is the subject of this application.

THIS PAGE MUST BE FILLED OUT COMPLETELY AND NOTARIZED. Do not indicate 'NONE' in the space provided.

STATE OF OHIO
COUNTY OF FRANKLIN

Being first duly cautioned and sworn (NAME) Donald Plank
of (COMPLETE ADDRESS) Plank Law Firm, 411 East Town Street, Floor 2, Columbus, OH 43215
deposes and states that he is the APPLICANT, AGENT, OR DULY AUTHORIZED ATTORNEY FOR SAME and the following is a
list of all persons, other partnerships, corporations or entities having a 5% or more interest in the project which is the subject of this
application in the following format:

For Example: Name of Business or individual
 Contact name and number
 Business or individual's address; City, State, Zip Code
 Number of Columbus-based employees

1. EZ Propertys, LLC; 507 Fairwood Avenue, Columbus, OH 43205 Number of Columbus-based employees: Zero (0) Contact: Erez Hagiel, (347) 992-1271	2. _____ _____
3. _____ _____	4. _____ _____

☐ Check here if listing additional parties on a separate page.

SIGNATURE OF AFFIANT Donald Plank

Sworn to before me and signed in my presence this 26th day of February in the year 2025

MaryAlice Wolf
SIGNATURE OF NOTARY PUBLIC

Notary Seal Here

My Commission Expires



MaryAlice Wolf
Notary Public, State of Ohio
My Commission Expires:
October 24, 2028

This Project Disclosure Statement expires six (6) months after date of notarization.