



Legislation Details (With Text)

File #: 1555-2008 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 9/25/2008 **In control:** Zoning Committee

On agenda: 11/17/2008 **Final action:** 11/18/2008

Title: To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; and 3332.05, Area district lot width requirements of the Columbus City Codes; for the property located at 596-598 SOUTH OHIO AVENUE (43205), to permit an existing two-family dwelling on a lot that is less than fifty feet (50') wide in the R-3, Residential District and to declare an emergency (Council Variance # CV08-017).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1555-2008Attachments.pdf, 2. ORD1555-2008Labels.pdf, 3. ORD1555-2008DataSheet.pdf

Date	Ver.	Action By	Action	Result
11/18/2008	2	MAYOR	Signed	
11/18/2008	2	CITY CLERK	Attest	
11/17/2008	1	Zoning Committee	Approved as Amended	Pass
11/17/2008	1	Zoning Committee	Amended to Emergency	Pass
11/17/2008	1	Zoning Committee	Taken from the Table	Pass
11/17/2008	2	COUNCIL PRESIDENT	Signed	
11/3/2008	1	Zoning Committee	Tabled to Certain Date	Pass
10/27/2008	1	Columbus City Council	Read for the First Time	
10/20/2008	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
10/17/2008	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/16/2008	1	Dev Zoning Drafter	Sent for Approval	
10/14/2008	1	Dev Zoning Drafter	Sent for Approval	
10/14/2008	1	Dev Zoning Reviewer	Reviewed and Approved	

Council Variance Application: CV08-017

APPLICANT: Perry K. Jeffries, III; P.O. Box 09506; Columbus, OH 43209.

PROPOSED USE: Two-family dwelling.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This request will permit an existing two-family dwelling in the R-3, Residential District. A Council variance is necessary in that a two-family dwelling is not a permitted use in the R-3, Residential District. The site is located within the planning area of *The Near South Side Plan* (1997) which recognizes the neighborhood as appropriate for rezoning to a district that reflects current land uses. The property was rezoned from AR-1 in 1998 as part of a City-

sponsored rezoning which rendered it along with many other two-family dwellings in the neighborhood nonconforming. A hardship exists because the nonconforming nature of the site prevents the owner from obtaining financing through the Housing Development Program through the City of Columbus Housing Division. The two-family dwelling has been long established on this lot, and is consistent with existing development in the surrounding residential 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 3332.035, R-3, Residential District; and 3332.05, Area district lot width requirements of the Columbus City Codes; for the property located at **596-598 SOUTH OHIO AVENUE (43205)**, to permit an existing two-family dwelling on a lot that is less than fifty feet (50') wide in the R-3, Residential District **and to declare an emergency** (Council Variance # CV08-017).

WHEREAS, by application No. CV08-017, the owner of property at **596-598 SOUTH OHIO AVENUE (43205)**, is requesting a Council Variance to permit an existing two-family dwelling in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential District, prohibits two-family dwellings, while the applicant proposes to maintain an existing two-family dwelling; 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 to begin construction as soon as possible for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires lot width of fifty (50) feet in the R-3 district, while the applicant proposes to maintain a lot width of forty-one (41) feet; and

WHEREAS, the Historic Resources Commission recommends approval; and

WHEREAS, City Departments recommend approval because this request will not add a new or incompatible use to the area. This request will permit an existing two-family dwelling in the R-3, Residential District. The site was part of an area-wide City-sponsored rezoning that rendered the use non-conforming. The two-family dwelling has been long established on this lot, and is consistent with existing development in the surrounding residential neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits for the proposed use; 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 owners of the property located at **596-598 SOUTH OHIO AVENUE (43205)**, 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 3332.035, R-3, Residential District; and 3332.05, Area district lot width requirements of the Columbus City Codes, are hereby granted for the property located at **596-598 SOUTH OHIO AVENUE (43205)**, insofar as said sections prohibit a two-family dwelling on a lot that is forty-one feet (41') wide; said property being more particularly described as follows:

596-598 SOUTH OHIO AVENUE (43205), being 0.15± acres located on the east side of South Ohio Avenue, 39.5± feet south of Mooberry Street, and being more particularly described as follows:

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

Being Lot Number Sixty (60) of Rodenfels & Falkenbach Subdivision, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 365, Recorder's Office, 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 two-family dwelling, or those uses permitted in the R-3, Residential District.

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