



## Legislation Details (With Text)

**File #:** 1072-2016      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 4/13/2016      **In control:** Zoning Committee

**On agenda:** 5/9/2016      **Final action:** 5/12/2016

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F residential district; 3332.039, R-4 residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.15, R-4 area district requirements; and 3332.26, Minimum side yard permitted; of the City of Columbus codes; for the property located at 395 WEST SECOND AVENUE (43201), to conform an existing 8-unit apartment building and permit a six-unit apartment building on the same lot, with reduced development standards in the R-2F and R-4, Residential Districts (Council variance # CV15-077).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD.1072-2016.Attachments, 2. ORD.1072-2016.Labels

Date	Ver.	Action By	Action	Result
5/12/2016	1	CITY CLERK	Attest	
5/11/2016	1	MAYOR	Signed	
5/9/2016	1	COUNCIL PRESIDENT	Signed	
5/9/2016	1	Zoning Committee	Approved	Pass
5/2/2016	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV15-077**

**APPLICANT:** Bud Vetter; 70 Park Avenue West; Mansfield, OH 44902.

**PROPOSED USE:** One 8-unit apartment building and one 6-unit apartment building on the same lot.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is comprised of two parcels, one of which is currently developed with a non-conforming 8-unit apartment building fronting West Second Avenue in the R-4, Residential District. The other lot is undeveloped fronting Pennsylvania Avenue, and zoned in the R-2F, Residential District. The requested variance proposes combination of the two lots, will conform the existing 8-unit apartment building, and will permit the construction of a six-unit apartment building on the same lot. Other variances are included for required number of parking spaces, required vision clearance triangle, R-2F and R-4 area district requirements, and minimum side yards. This site is within the planning area of the *Harrison West Plan (2005)*, which recommends single- and two-unit dwellings for this location. The Plan further recommends that new development and/or redevelopment should be consistent in character and scale with the existing single- and two-unit dwellings in the area, and comply with parking code requirements. Staff supports deviation from the Plan's land use recommendations because the proposal will not add incompatible uses to the area as it will preserve the existing 8-unit apartment building, and the proposed 6-unit apartment building's design is consistent with the scale of the residential development in the area and will not detract from the character of the neighborhood. Furthermore, the existing 8-unit apartment building has no off-street parking and this proposal includes one parking space per dwelling unit, which will reduce on-street parking demands in the neighborhood. The request is consistent 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; 3332.039, R-4 residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.15, R-4 area district requirements; and 3332.26, Minimum side yard permitted; of the City of Columbus codes; for the property located at **395 WEST SECOND AVENUE (43201)**, to conform an existing 8-unit apartment building and permit a six-unit apartment building on the same lot, with reduced development standards in the R-2F and R-4, Residential Districts (Council variance # CV15-077).

**WHEREAS**, by application No. CV15-077, the owner of property at **395 WEST SECOND AVENUE (43201)**, is requesting a Council variance to conform an existing 8-unit apartment building and permit the construction of a six-unit apartment building on the same lot, with reduced development standards in the R-2F and R-4, Residential Districts; and

**WHEREAS**, Section 3333.037, R-2F, Residential District, allows a maximum of two units in one building, while the applicant proposes to construct a new six-unit apartment building that is partially located in the R-2F district; and

**WHEREAS**, Section 3333.039, R-4, Residential District, allows a maximum of four units in one dwelling, and does not permit two dwellings on one lot, while the applicant proposes to conform an existing 8-unit apartment building and construct a new 6-unit apartment building on the same lot; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, or 21 spaces total for 14 units, while the applicant proposes 14 parking spaces (one space per unit); and

**WHEREAS**, Section 3332.14 R-2F area district requirements, requires 3,000 square feet per dwelling unit for a two-story two-unit dwelling, while the applicant proposes to maintain an existing 8-unit apartment building and construct a 6-unit apartment building on a lot that is approximately 17,640± square feet which equals 1,260 ± square feet per dwelling unit; and

**WHEREAS**, Section 3332.15 R-4 area district requirements, requires 1,500 square feet per dwelling unit for a 3- or 4-unit dwelling on a corner lot, while the applicant proposes to maintain an existing 8-unit apartment building and construct a 6-unit apartment building on a lot that is approximately 17,640± square feet which equals 1,260 ± square feet per dwelling unit; and

**WHEREAS**, Section 3321.05(B)(2), Vision clearance, requires a thirty-foot vision clearance triangle at the corner of Pennsylvania Avenue and West Second Avenue, while the applicant proposes to maintain encroachment into the vision clearance triangle with the existing building as shown on the site plan; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes a side yard of 1.5 feet on the east side of the property; and

**WHEREAS**, the City Departments recommend approval because the proposal will not add incompatible uses to the area as it will preserve the existing 8-unit apartment building, and the proposed 6-unit apartment building's design is consistent with the scale of the residential development in the area. Furthermore, the existing 8-unit apartment building has no off-street parking and this proposal includes one parking space per dwelling unit, which will reduce on-street parking demands in the neighborhood. The request is consistent with the recent infill development pattern in historic urban neighborhoods; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy 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 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 **395 WEST SECOND AVENUE (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 from the provisions of Sections 3332.037, R-2F residential district; 3332.039, R-4 residential district; 3312.49, Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.14, R-2F area district requirements; 3332.15, R-4 area district requirements; and 3332.26, Minimum side yard permitted; of the City of Columbus codes, is hereby granted for the property located at **395 WEST SECOND AVENUE (43201)**, insofar as said sections prohibit 8-unit and 6-unit apartment buildings on one lot in the R-2F and R-4, Residential Districts; with a parking space reduction from 21 spaces to 14 spaces; an existing building that encroaches into the required vision clearance triangle; a reduced lot size from 3,000 square feet per dwelling unit in the R-2F, Residential District and 1,500 square feet per dwelling unit in the R-4, Residential district to 1,260± square feet per dwelling unit; and a reduced minimum side yard from 5 feet to 1.5 feet on the east side of the property; said property being more particularly described as follows:

**395 WEST SECOND AVENUE (43201)**, being 0.41± acres located at the southeast corner of West Second Avenue and Pennsylvania Avenue, and being more particularly described as follows:

Parcel No. 1

Situated in the County of Franklin, State of Ohio, City Columbus, and being more particularly described as follows: Being Lots Number Three Hundred Seventeen (317), Three Hundred Eighteen (318) and Three Hundred Nineteen (319), in COLLINS, ATKINSON & GUITNER'S SECOND ADDITION to said City, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Pages 153, 154 and 155, Recorder's Office, Franklin County, Ohio.

Parcel Number 010-031258

Parcel No. 2

Situated in the County of Franklin, State of Ohio, City of Columbus, and more particularly described as follows: Being Lot Number Three Hundred and Twenty (320) of COLLINS, ATKINSON AND GUITNER'S 2ND ADDITION to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 153, Recorder's Office, Franklin County, Ohio.

Parcel Number 010-002539

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for an 8-unit apartment building and a six-unit apartment building on the same lot, or those uses permitted in the R-2F and R-4, Residential Districts.

**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**," signed by Erik Maso, Architect, and dated March 21, 2016. 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 for the proposed use.

**SECTION 5.** That this ordinance is further conditioned on the combination of Parcel Numbers 010-031258 and 010-002539 into one parcel prior to submittal for site compliance review.

**SECTION 6.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.