



## Legislation Details (With Text)

**File #:** 2529-2012      **Version:** 1

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

**File created:** 11/8/2012      **In control:** Zoning Committee

**On agenda:** 12/3/2012      **Final action:** 12/5/2012

**Title:** To grant a Variance from the provisions of Sections 3333.035, AR-4, Apartment Residential District use; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; and 3372.563, Maximum lot coverage, of the Columbus City Codes; for the property located at 106 EAST ELEVENTH AVENUE (43201), to permit two (2) three-unit dwellings on one lot with reduced development standards in the AR-4, Apartment Residential District (Council Variance # CV12-030).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2529-2012Attachments, 2. Notice Of Public Hearing - Council Mtg20121203

| Date      | Ver. | Action By         | Action                | Result |
|-----------|------|-------------------|-----------------------|--------|
| 12/5/2012 | 1    | CITY CLERK        | Attest                |        |
| 12/4/2012 | 1    | MAYOR             | Signed                |        |
| 12/3/2012 | 1    | COUNCIL PRESIDENT | Signed                |        |
| 12/3/2012 | 1    | Zoning Committee  | Waive the 2nd Reading | Pass   |
| 12/3/2012 | 1    | Zoning Committee  | Approved              | Pass   |

**Council Variance Application: CV12-030**

**APPLICANT:** Barret Jardine; 2516 Woodstock Road; Upper Arlington, Ohio 43221.

**PROPOSED USE:** Two (2) three-unit dwellings on one lot.

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**UNIVERSITY AREA REVIEW BOARD RECOMMENDATION:** Approval

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The requested Council variance will allow the construction of a three-unit dwelling on a lot that is developed with a three-unit dwelling in the AR-4, Apartment Residential District. The AR-4 District permits a minimum of three (3) three- or four-unit dwellings as a multiple dwelling development, but does not allow two (2) three-unit dwellings on one lot. Variances for yard standards and lot coverage are included in the request. Since a lot split so that each dwelling could be on its own lot would still result in similar variances to be considered by the Board of Zoning Adjustment, the Council variance approach is supported. The site lies within the boundaries of the *University Neighborhoods Revitalization Plan* (1996), which recommends mixed uses for this location. The site is also with the University Impact District, and the University Area Review Board has approved the variances and attached site plan. Staff finds that the proposal meets the Plan's considerations, and will improve the streetscape along East Eleventh Avenue by removing a curb-cut in this block, and filling in a gap between two dwellings. The request will not add a new or incompatible use to the area, and is consistent with the established development pattern.

To grant a Variance from the provisions of Sections 3333.035, AR-4, Apartment Residential District use; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; and 3372.563, Maximum lot coverage, of the Columbus City Codes; for the property located at **106 EAST ELEVENTH AVENUE (43201)**, to permit two (2) three-unit dwellings on one lot with reduced development standards in the AR-4, Apartment Residential District (Council Variance # CV12-030).

**WHEREAS**, by application No. CV12-030, the owner of property at **106 EAST ELEVENTH AVENUE (43201)**, is requesting a Council Variance to permit two (2) three-unit dwellings on one lot with reduced development standards in the AR-4, Apartment Residential District; and

**WHEREAS**, Section 3333.035, AR-4, Apartment Residential District use, permits a minimum of three (3) three- or four-unit dwellings as a multiple dwelling development but does not allow two (2) three-unit dwellings on one lot, while the applicant proposes two (2) three-unit dwellings on one lot; and

**WHEREAS**, Section 3333.22, Maximum side yard required; requires that the sum of the widths of each side yard shall equal or exceed twenty percent (20%) of the width of the lot, a total of 14.4 feet for the subject property, while the applicant proposes side yards of 3.5 feet along the west property line for the existing dwelling, and 5.1 feet along the east property line for the new dwelling, a total of 8.6 feet; and

**WHEREAS**, Section 3333.23, Minimum side yard permitted, requires a minimum side yard of five (5) feet, while the applicant proposes to maintain a side yard of 3.5 feet along the west property line for the existing dwelling; and

**WHEREAS**, Section 3333.24, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes a twenty (20) percent rear yard after reconstruction, which is consistent with the existing condition; and

**WHEREAS**, Section 3372.563, Maximum lot coverage, requires that a building or combination of buildings, including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than thirty (30) percent of the lot area, while the applicant proposes a 31.86 percent lot coverage; and

**WHEREAS**, the University Area Commission recommends approval; and

**WHEREAS**, the University Area Review Board recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested variance to allow two (2) three-unit dwellings on one lot meets the *University Neighborhoods Revitalization Plan's* considerations, and will improve the streetscape along East Eleventh Avenue by filling in a gap between two dwellings. The request will not add a new or incompatible use to the area, and is consistent with the established development pattern; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificate of Occupancy for the proposed new 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 owner of the property located

at **106 EAST ELEVENTH 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 3333.035, AR-4, Apartment Residential District use; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; and 3372.563, Maximum lot coverage, of the Columbus City Codes, is hereby granted for the property located at **106 EAST ELEVENTH AVENUE (43201)**, insofar as said sections prohibit two (2) three-unit dwellings on one lot, with a reduced maximum side yard of 8.6 feet, a minimum side yard of 3.5 feet along the west property line, a reduced rear yard of twenty (20) percent, and an increased maximum lot coverage of 31.86 percent; said property being more particularly described as follows:

**106 EAST ELEVENTH AVENUE (43201)**, being 0.21± acres located on the north side of East Eleventh Avenue, 260± feet west of Indianola Avenue, and being more particularly described as follows:

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

Being Lots Numbered Forty-Seven (47), and Forty-Eight (48), of CHITTENDEN PLACE ADDITION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 14 Recorder's Office, Franklin County, Ohio.

Said property is shown on the Franklin County Auditor's Records as Parcel Number 010-055198.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with two (2) three-unit dwellings on one lot.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN**", drawn and signed by Barret Jardine, Agent for the Applicant, and dated October 6, 2012. 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 Plan 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 new dwelling.

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