



## Legislation Details (With Text)

**File #:** 0684-2006      **Version:** 2

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

**File created:** 3/22/2006      **In control:** Zoning Committee

**On agenda:** 6/5/2006      **Final action:** 6/8/2006

**Title:** To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District use, 3332.14 R-2F Area District Requirements, 3332.21 Building Lines, 3332.27 Rear Yard, 3342.06 Aisle, 3342.08 Driveway and 3342.28 Minimum Number of Parking Spaces of the Columbus City Codes for property located at 2596 NEIL AVENUE (43202), to conform an existing four-unit dwelling in the R-2F, Residential District with reduced development standards. (Council Variance CV05-058).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0684-2006Amended\_attachments.pdf, 2. ORD0684-2006lbls.pdf, 3. City Council Data Form\_CV05-058.pdf

Date	Ver.	Action By	Action	Result
6/8/2006	2	ACTING CITY CLERK	Attest	
6/7/2006	2	MAYOR	Signed	
6/5/2006	1	Zoning Committee	Taken from the Table	Pass
6/5/2006	2	Zoning Committee	Amended as submitted to the Clerk	Pass
6/5/2006	2	Zoning Committee	Approved as Amended	Pass
6/5/2006	2	COUNCIL PRESIDENT	Signed	
5/22/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
5/22/2006	1	Zoning Committee	Tabled to Certain Date	Pass
5/8/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
4/27/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/24/2006	1	Dev Zoning Drafter	Sent for Approval	
4/19/2006	1	Dev Zoning Reviewer	Reviewed and Approved	
4/19/2006	1	Dev Reviewer	Reviewed and Approved	
4/17/2006	1	Dev Zoning Drafter	Sent for Approval	

**COUNCIL VARIANCE:** CV05-058.

**APPLICANT:** Connie J. Klema, Atty.; P.O. Box 991; Pataskala, OH 43062.

**PROPOSED USE:** A four-unit dwelling in the R-2F, Residential District

**UNIVERSITY AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The purpose of this application is to conform and existing four-unit building in the R-2F, Residential District. A Council variance is necessary because the R-2F, Residential District only allows one and

two-family dwellings. The applicant is committing to the footprint of the existing structure. **The applicant is also requesting dimensional variances to conform the building and parking as it currently exists. These include to allow the building to remain on a lot smaller than would be allowed, to allow the building to be closer to the street than would be allowed, to have a rear yard covered by pavement, to have narrower driveways and parking lot aisles than would be allowed and to have three (3) fewer parking spaces than the eight (8) required.** No recommendation is being made regarding the hardship aspect of this request.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District use, **3332.14 R-2F Area District Requirements, 3332.21 Building Lines, 3332.27 Rear Yard, 3342.06 Aisle, 3342.08 Driveway and 3342.28 Minimum Number of Parking Spaces** of the Columbus City Codes for property located at **2596 NEIL AVENUE (43202)**, to conform an existing four-unit dwelling in the R-2F, Residential District **with reduced development standards.** (Council Variance CV05-058).

**WHEREAS**, Section 3332.037, R-2F, Residential District use, permits up to two dwelling units within one dwelling, while the applicant proposes to permit four dwelling units in one dwelling; and

**WHEREAS**, Section 3332.14 R-2F Area District Requirements, requires a single-family dwelling or other principal building to be situated on a lot of no less than six thousand (6,000) square feet in area; a one (1) -story, two (2) -family dwelling to be situated on a lot of no less than thirty-six hundred (3,600) square feet in area per dwelling unit; and a two (2) -story, two (2) -family dwelling to be situated on a lot of no less than three thousand (3,000) square feet per dwelling unit, while the applicant wishes to maintain an existing four-unit building with a lot area of 5631 square feet; and

**WHEREAS**, Section 3332.21 Building Lines, requires the building line to be no less than twenty-five (25) feet, while the applicant requests to maintain the current building line of 11.3 feet, and

**WHEREAS**, Section 3332.27 Rear Yard, requires that a rear yard be open to the sky, while the applicant wishes to keep the existing paved parking, and

**WHEREAS**, Section 3342.06 Aisle, requires that aisles for two-way travel be at least twenty (20) feet wide while the applicant proposes to maintain the existing 18 foot wide aisle that is accessible to the property through 2602 Neil Avenue, and

**WHEREAS**, Section 3342.08 Driveway, requires that driveways be no less than 20 feet wide, while the applicant wishes to maintain the existing 18 foot driveway that leads through 2602 Neil Avenue, and

**WHEREAS**, Section 3342.28 Minimum Number of Parking Spaces, requires two (2) parking spaces per unit which would equate to eight (8) parking spaces for the four dwelling units while the applicant only wishes to provide five (5) parking spaces as delineated in the attached survey, and

**WHEREAS**, the University Area Commission recommends approval; 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 **2596 NEIL AVENUE (43202)**, in using said property as desired; and

**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 use, **3332.14 R-2F Area District Requirements, 3332.21 Building Lines, 3332.27 Rear Yard, 3342.06 Aisle, 3342.08 Driveway and 3342.28 Minimum Number of Parking Spaces** of the Columbus City Codes **are hereby granted** for the property located at **2596 NEIL AVENUE (43202)**, insofar as said sections prohibit a four unit dwelling in the R-2F, Residential District **with a lot area of 5631 square feet, and 11.3 foot building line where twenty-five (25) feet would normally be required, with a rear yard covered with paved parking area with a driveway and parking lot aisle eighteen (18) feet in width where twenty (20) feet would normally be required and with five (5) parking spaces where eight (8) would normally be required;** said property being more particularly described as follows:

**EXHIBIT A**

**Legal Description**

Situated in the County of Franklin, State of Ohio and City of Columbus, and bounded and described as follows:

Being a part of the west half of Outlot Number Fourteen (14), SOLOMON AND G.W. BEER'S NORTH COLUMBUS ADDITION as the said lot is numbered and delineated upon the recorded plat thereof, of record in plat Book No. 1, page 54, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the east line of Neil Avenue 60 feet south of the point of intersection of said east line of Neil Avenue with the south line of Duncan Street, thence south with the east line of Neil Avenue 55 feet to a point; thence east and parallel with the south line of Duncan Street 99 feet to a point; thence north and parallel with the east line of Neil Avenue 55 feet to a point; thence west and parallel with the south line of Duncan Street 99 feet to the place of beginning. Being a lot fronting 55 feet on the east side of Neil Avenue and running back east between parallel lines 99 feet.

Parcel No.: 010-21401

Property Address: 2596 Neil Avenue, Columbus, Ohio 43202

**Section 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for four (4) dwelling units on a lot, or those uses permitted in the R-2F, Residential District.

**Section 3.** That this ordinance is further conditioned on the Subject Site existing in general conformance with the site plan titled "**2596 NEIL AVENUE CONDOMINIUM,**" drawn by Landmark Survey Group, Inc., dated October 24, 2005, and signed by Connie Klema, applicant.

**Section 4.** That this ordinance is further conditioned on a commitment by the owner to maintain the existing building footprints, as committed to in Section Three, and the elevations of the buildings shall be maintained in the architectural style and with materials like those of the building existing on the property on the date of this ordinance if the buildings are restored or new buildings are constructed; said materials and style to include: two (2) story building with brick and half-timbered exterior; pitched slate roof; as illustrated in exhibit A.

**Section 5.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

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