



## Legislation Details (With Text)

**File #:** 1464-2010      **Version:** 2

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

**File created:** 10/4/2010      **In control:** Zoning Committee

**On agenda:** 10/25/2010      **Final action:** 10/27/2010

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.25, Maximum side yard required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at 1329-1331 EAST EIGHTEENTH AVENUE (43211), to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District and to declare an emergency (Council Variance # CV10-025).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1464-2010Attachments.pdf, 2. ORD1464-2010Labels.pdf, 3. ORD1464-2010DataSheet.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
10/27/2010	2	CITY CLERK	Attest	
10/26/2010	2	ACTING MAYOR	Signed	
10/25/2010	2	COUNCIL PRESIDENT PRO-TEM	Signed	
10/25/2010	1	Zoning Committee	Amended to Emergency	Pass
10/25/2010	1	Zoning Committee	Approved as Amended	Pass
10/18/2010	1	Columbus City Council	Read for the First Time	
10/7/2010	1	Building and Zoning Drafter	Sent for Approval	
10/7/2010	1	Building and Zoning Reviewer	Reviewed and Approved	
10/7/2010	1	Building and Zoning Drafter	Sent for Approval	
10/7/2010	1	BUILDING ZONING DIRECTOR	Reviewed and Approved	
10/7/2010	1	Building and Zoning Drafter	Sent to Clerk's Office for Council	

**Council Variance Application: CV10-025**

**APPLICANT:** TRZ Group, LLC; c/o Rebecca L. Egelhoff, Atty.; 88 East Broad Street, Suite 2000; Columbus, OH 43215.

**PROPOSED USE:** Two-unit dwelling.

**SOUTH LINDEN AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. This request will conform an existing two-unit dwelling in the R-3, Residential District. Variances for the dwelling's existing yard and area standards and a parking reduction for two required parking spaces are included in the request. A Council variance is necessary in that a two-unit dwelling is not a permitted use in the R-3, Residential District. The site was part of an area-wide City-sponsored rezoning that rendered the use non-conforming. A hardship exists because the non-conforming nature of the site precludes financing options and prevents the owner from making improvements to the structure. The two-unit dwelling has long been established on this lot, and is consistent with existing development in the

surrounding residential neighborhood. Furthermore, the site is located within the planning area of *The South Linden Neighborhood Plan* (2003), which supports the maintenance of the existing housing stock in the 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; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.25, Maximum side yard required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes; for the property located at **1329-1331 EAST EIGHTEENTH AVENUE (43211)**, to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District **and to declare an emergency** (Council Variance # CV10-025).

**WHEREAS**, by application No. CV10-025, the owner of property at **1329-1331 EAST EIGHTEENTH AVENUE (43211)**, is requesting a Council Variance to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, prohibits two-unit dwellings, while the applicant proposes to maintain an existing two-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires two (2) parking spaces per dwelling unit, or four (4) total, while the applicant proposes to maintain two (2) parking spaces; and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires a lot width of fifty (50) feet in the R-3 district, while the applicant proposes to maintain a lot width of thirty-five (35) feet; and

**WHEREAS**, Section 3332.25, Maximum side yard required, requires the sum of the widths of each side yard to equal or exceed 20% of the thirty-five (35) foot wide lot, or seven (7) feet, while the applicant proposes to maintain a maximum side yard of three (3) feet for the existing building; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of no less than three (3) feet, while the applicant proposes to maintain minimum side yards of 1.5 feet; and

**WHEREAS**, the South Linden Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because this request will not add a new or incompatible use to the area. This request will conform an existing two-unit 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-unit dwelling has long been 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 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 **1329-1331 EAST EIGHTEENTH AVENUE (43211)**, in using said property as desired; 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 due to the applicant incurring unnecessary additional financial burdens and to complete contracts for the immediate preservation of the public peace, property, health and safety; 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; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.25, Maximum side yard required; and 3332.26, Minimum side yard permitted, of the Columbus City Codes, is hereby granted for the property located at **1329-1331 EAST**

**EIGHTEENTH AVENUE (43211)**, insofar as said sections prohibit a two-unit dwelling with only two (2) parking spaces, a reduced lot width of thirty-five (35) feet, a reduced maximum side yard of three (3) feet, and reduced minimum side yards of 1.5 feet; said property being more particularly described as follows:

**1329-1331 EAST EIGHTEENTH AVENUE (43211)**, being 0.12± acres located on the south side of East Eighteenth Avenue, 105± feet east of Louis Avenue, and being more particularly described as follows:

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

Being Lot Number Forty-Seven (47) of Louis Heights Addition, as same as numbered and delineated upon the recorded plat thereof; of record in Plat Book 11, Page 8, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-060262

Known as: 1329-1331 East Eighteenth Avenue, Columbus, Ohio 43211

**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-unit 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.**