



## Legislation Details (With Text)

**File #:** 1378-2010      **Version:** 2

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

**File created:** 9/21/2010      **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; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 3332.22, Building lines on corner lots; 3332.25, Maximum side yard required; and 3332.30, Vision clearance, of the Columbus City Codes; for the property located at 506-508 SOUTH CHAMPION AVENUE (43205), to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District and to declare an emergency (Council Variance # CV10-024).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1378-2010Attachments.pdf, 2. ORD1378-2010Labels.pdf, 3. ORD1378-2010DataSheet.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	1	Zoning Committee	Amended to Emergency	Pass
10/25/2010	2	Zoning Committee	Approved as Amended	Pass
10/25/2010	2	COUNCIL PRESIDENT PRO-TEM	Signed	
10/18/2010	1	Columbus City Council	Read for the First Time	
10/7/2010	1	Building and Zoning Drafter	Sent to Clerk's Office for Council	
10/5/2010	1	BUILDING ZONING DIRECTOR	Reviewed and Approved	
10/4/2010	1	Building and Zoning Drafter	Sent for Approval	
10/4/2010	1	Building and Zoning Reviewer	Reviewed and Approved	
10/4/2010	1	Building and Zoning Drafter	Sent for Approval	

**Council Variance Application: CV10-024**

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

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

**NEAR EAST 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 to maintain zero 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 a City-sponsored area-wide 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 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; 3312.49, Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 3332.22, Building lines on corner lots; 3332.25, Maximum side yard required; and 3332.30, Vision clearance, of the Columbus City Codes; for the property located at **506-508 SOUTH CHAMPION AVENUE (43205)**, to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District **and to declare an emergency** (Council Variance # CV10-024).

**WHEREAS**, by application No. CV10-024, the owner of property at **506-508 SOUTH CHAMPION AVENUE (43205)**, 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, while the applicant proposes to maintain zero (0) 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-seven and one-half (37.5) feet; and

**WHEREAS**, Section 3332.13, R-3 area district requirements, requires that a single-family dwelling or other principal building shall be situated on a lot of no less than 5,000 square feet in area, while the applicant proposes to maintain an existing two-unit dwelling on a lot that contains 4,574± square feet; and

**WHEREAS**, Section 3332.18, Basis of computing area, requires that no dwelling shall occupy alone or together with any other building greater than fifty percent (50%) of the lot area, while the applicant proposes to maintain a fifty-six percent (56%) lot coverage for the existing building; and

**WHEREAS**, Section 3332.22, Building lines on corner lots, requires a corner property with a width of less than forty (40) feet to have a setback of at least twenty (20) percent of the property width minus two percent for each foot of lesser width than forty feet, or 4.5 feet for this property, while the applicant proposes to maintain the existing building setback of 1.5 feet along Fulton Street; 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-seven and one-half (37.5) foot wide lot, or 7.5 feet, while the applicant proposes to maintain a maximum side yard of 4.5± feet for the existing building; and

**WHEREAS**, Section 3332.30, Vision clearance, requires that a clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to maintain encroachment of the existing dwelling into the clear vision triangle at the intersection of South Champion Avenue and Fulton Street; and

**WHEREAS**, the Near East 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 a City-sponsored area-wide rezoning that rendered the use non-conforming. The two- unit 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 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 **506-508 SOUTH CHAMPION AVENUE (43205)**, 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; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 3332.22, Building lines on corner lots; 3332.25, Maximum side yard required; and 3332.30, Vision clearance, of the Columbus City Codes, is hereby granted for the property located at **506 SOUTH CHAMPION AVENUE (43205)**, insofar as said sections prohibit a two-unit dwelling with zero (0) parking spaces, a reduced lot width of thirty-seven and one-half (37.5) feet, a reduced lot size of 4,574± square feet, an increased maximum lot coverage of fifty-six percent (56%), a reduced building line of 1.5 feet along Fulton Street, a reduced maximum side yard of 4.5± feet, and encroachment of the dwelling into the clear vision triangle; said property being more particularly described as follows:

**506-508 SOUTH CHAMPION AVENUE (43205)**, being 0.11± acres located at the southeast corner of South Champion Avenue and Fulton Street, and being more particularly described as follows:

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

Being parts of Lot Number Twenty-seven (27) and Twenty-eight (28) of J.J. BEARDS SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 240, Recorder's Office, Franklin County, Ohio, said portion of said lots being described as follows:

Beginning at an iron pin marking the Northwest corner of said Lot No. 27 and the Southeast corner of Champion Ave. and Fulton Street; thence Eastwardly with the South line of Fulton Street, a distance of 120.00 feet, more or less, to an iron pin which is 30.00 feet Westerly of an iron pin marking the Northeast corner of said Lot No. 27; thence Southwardly with a line to the East line of said Lot No. 27, a distance of 41.1 feet to an iron pin in Lot No. 28, passing the South line of Lot No. 27 at 37.5 feet; thence with a line extending to the Southwest corner of said Lot No. 27 a distance of 120.00 feet, more or less, to an iron pin marking the Southwest corner of said Lot, and the East line of Champion Ave.; thence Northwardly with said East line of Champion Ave., a distance of 37.5 feet to the PLACE OF BEGINNING.

Parcel No.: 010-039030

Known as: 506-508 Champion, Columbus, Ohio 43203

**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.**