



Legislation Details (With Text)

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Type: Ordinance **Status:** Passed

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On agenda: 4/24/2006 **Final action:** 4/27/2006

Title: To grant a Variance from the provisions of Section 3332.035, R-3, Residential District of the Columbus City codes for the property located at 172 OVERBROOK DRIVE (43214), to permit a two-family dwelling in the R-3, Residential District (Council Variance # CV06-002).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0600-2006Attachments.pdf, 2. ORD0600-2006Labels.pdf, 3. ORD0600-2006DataSheet.pdf

Date	Ver.	Action By	Action	Result
4/27/2006	1	ACTING CITY CLERK	Attest	
4/26/2006	1	MAYOR	Signed	
4/24/2006	1	Zoning Committee	Approved	Pass
4/24/2006	1	Zoning Committee	Waive the 2nd Reading	Pass
4/24/2006	1	COUNCIL PRESIDENT	Signed	
4/10/2006	1	Dev Zoning Drafter	Sent for Approval	
4/10/2006	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
4/10/2006	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
4/7/2006	1	Dev Reviewer	Reviewed and Approved	
4/6/2006	1	Dev Zoning Drafter	Sent for Approval	
4/6/2006	1	Dev Zoning Reviewer	Reviewed and Approved	

Council Variance Application: CV06-002

APPLICANT: Norma Jean Williams and Creative Housing, Inc., c/o Donald Plank, Atty.; Plank & Brahm; 145 East Rich Street; Columbus, OH 43215.

PROPOSED USE: Two-family dwelling.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Disapproval. The site is developed with a single-family dwelling and is zoned in the R-3, Residential District. The applicant requests a Council variance to allow the conversion of the dwelling into a two-family dwelling. A variance is necessary because the R-3, Residential District allows only single-family dwellings. The applicant's hardship states that the parents of a disabled son want to live in the second dwelling unit so that they can closely monitor their son's transition to living on his own. The additional dwelling unit is requested for a maximum period of ten years, and this ordinance is conditioned upon the structure being converted back to a single-family dwelling after the ten-year period expires. Although Staff is sympathetic to the applicant's situation, this request must be reviewed in the context of introducing a two-family dwelling into a single-family residential neighborhood which is not supported.

To grant a Variance from the provisions of Section 3332.035, R-3, Residential District of the Columbus City codes for the property located at **172 OVERBROOK DRIVE (43214)**, to permit a two-family dwelling in the R-3, Residential District (Council Variance # CV06-002).

WHEREAS, by application # CV06-002, the owner of the property at **172 OVERBROOK DRIVE (43214)**, is requesting a Variance to permit a two-family dwelling in the R-3, Residential District for a maximum period of ten (10) years; and

WHEREAS, Section 3332.035, R-3 Residential District, permits only single-family dwellings, while the applicant proposes to convert a single-family dwelling into a two-family dwelling for a maximum period of ten (10) years; and

WHEREAS, the Clintonville Area Commission recommends approval; and

WHEREAS, City Departments recommend disapproval because the requested Council variance will allow the conversion of a single-family dwelling into a two-family dwelling. A variance is necessary because the R-3, Residential District allows only single-family dwellings. The applicant's hardship states that the parents of a disabled son want to live in the second dwelling unit so that they can closely monitor their son's transition to living on his own. The additional dwelling unit is requested for a maximum period of ten years, and this ordinance is conditioned upon the structure being converted back to a single-family dwelling after the ten-year period expires. Although Staff is sympathetic to the applicant's situation, this request must be reviewed in the context of introducing a two-family dwelling into a single-family residential neighborhood which is not supported; and

WHEREAS, the applicant will record with the Franklin County Recorder's Office notice of the variance and the expiration of same ten (10) years from the effective date to cause such notice to appear in any public records/title search of 172 Overbrook Drive.

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 **172 OVERBROOK DRIVE (43214)**, in using said property as desired and; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Section 3332.035, R-3, Residential District of the Columbus City codes is hereby granted for the property located at **172 OVERBROOK DRIVE (43214)**, insofar as said section prohibits a two-family dwelling; said property being more particularly described as follows:

172 OVERBROOK DRIVE (43214), being 0.41± acres located on the north side of Overbrook Drive Boulevard, 95± feet east of Canyon Drive, and being more particularly described as follows:

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

Being all of Lot No. 23 and part of Lot No. 24 of Indian Springs Addition, as the same is shown of record in Plat Book 9, Pages 34-35, Recorder's Office, Franklin County, Ohio, and being more particularly bounded and described as follows:

Beginning at the southwesterly corner of said Lot No. 23; thence northerly, along the westerly line of Lots No. 23 and 24 and the easterly line of a 20 ft. alley, passing the northwesterly corner of said Lot No. 23 at 55 ft., a distance of 86.16 feet to an iron pin; thence in an easterly direction and across said Lot No. 24, parallel to and 80 ft. from , as measured at right angles, to the southerly line of said Lot No. 23 and passing an iron pin at the top of a shale bank at 209.4 ft., a distance of 243 ft., more or less, to a point in the easterly line of said Lot No. 24 same point being northerly 32 ft., more or less, from the southeasterly corner thereof; thence continuing in a southwesterly direction along the southerly line of said Lot No. 23, a distance of 207.5 ft. to the place of beginning, subject to all easements and restrictions shown of record.

Being the same premises that were conveyed to Cora C. Trantham as recorded in Deed Book 1877, Page 315, Record's Office, Franklin County, Ohio.

Grantors also give and grant to grantee, her heirs and assigns forever, the right and easement to lay, maintain, operate and repair sewer and water lines over and through the portion of Lot 24 retained by grantors, so that such lines may be tapped into the lines in Indian Springs Drive, Foster Street and the driveway south of Indian Springs Drive.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a two-family dwelling, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN FOR CREATIVE HOUSING INC.,**" drawn by Creative Architectural Solutions, Inc., dated March 6, 2006, and signed by Donald Plank, Attorney for the applicant. The Zoning Site 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 Zoning Site Plan shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 5. That this ordinance is further conditioned upon the variance expiring ten years from the effective date. All components of the second dwelling unit shall be removed and the house shall be used in its entirety as a single-family dwelling. If the existing house is razed, removed or destroyed, the variance shall automatically expire.

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