



## Legislation Details (With Text)

**File #:** 0822-2010      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 5/26/2010      **In control:** City Clerk Inbox  
**On agenda:**      **Final action:** 6/23/2010

**Title:** To grant a Variance from the provisions of Sections 3332.033, R-2, Residential District; 3332.12, R-2 area district requirements; 3332.19, Fronting on a public street; 3332.21, Building lines; and 3332.30, Vision clearance, of the Columbus City Codes, for the property located at 239 DERING AVENUE (43207), to permit three single-unit dwellings with reduced development standards on one lot zoned in the R-2, Residential District (Council Variance CV10-004).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0822-2010Attachments.pdf, 2. ORD0822-2010Labels.pdf, 3. ORD0822-2010DataSheet.pdf, 4. Notice Of Public Hearing - Council Mtg.pdf

Date	Ver.	Action By	Action	Result
6/23/2010	1	CITY CLERK	Attest	
6/22/2010	1	MAYOR	Signed	
6/21/2010	1	COUNCIL PRESIDENT PRO-TEM	Signed	
6/21/2010	2	Zoning Committee	Approved	Pass
6/14/2010	1	Columbus City Council	Read for the First Time	
6/4/2010	1	BUILDING ZONING DIRECTOR	Reviewed and Approved	
6/4/2010	1	Building and Zoning Drafter	Sent to Clerk's Office for Council	
6/3/2010	1	Building and Zoning Drafter	Sent for Approval	
6/3/2010	1	Building and Zoning Reviewer	Reviewed and Approved	
6/3/2010	1	Building and Zoning Drafter	Sent for Approval	

**Council Variance Application: CV10-004**

**APPLICANT:** D&F Inc.; c/o Betty Simpkins; 3930 Evanston Road; Columbus.

**PROPOSED USE:** Three single-unit dwellings on one lot.

**FAR SOUTH COLUMBUS AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Disapproval. The site is developed with two single-unit dwellings and a 560 square foot detached garage zoned in the R-2, Residential District. The applicant received a stop-work order for converting half of the detached garage into an apartment to be used by the out-of-state owner when visiting Columbus. The requested Council variance will allow three single-unit dwellings on one lot, and includes additional variances to area district requirements, fronting on a public street, and existing setbacks. A variance is required in that only one single-unit dwelling is permitted per lot. The site is located within the planning area of the *Scioto Southland Plan* (2007), which recommends single-unit residential development (6-8 units/acre) for this location. The third dwelling includes 280 square feet of habitable space and a 280 square foot garage. The minimum dwelling size in the R-2 District is 720 square feet. The proposed third dwelling is out of scale with the adjacent single-unit

residences and is not consistent with the predominant development pattern in the neighborhood. No recommendation is being made regarding the hardship aspect of this request.

To grant a Variance from the provisions of Sections 3332.033, R-2, Residential District; 3332.12, R-2 area district requirements; 3332.19, Fronting on a public street; 3332.21, Building lines; and 3332.30, Vision clearance, of the Columbus City Codes, for the property located at **239 DERING AVENUE (43207)**, to permit three single-unit dwellings with reduced development standards on one lot zoned in the R-2, Residential District (Council Variance CV10-004).

**WHEREAS**, by application No. CV10-004, the owner of the property at **239 DERING AVENUE (43207)**, is requesting a Council Variance to permit three single-unit dwellings with reduced development standards on one lot zoned in the R-2, Residential District; and

**WHEREAS**, Section 3332.033, R-2, Residential District, permits only one single-unit dwelling per lot, while the applicant proposes three single-unit dwellings on one lot; and

**WHEREAS**, Section 3332.12, R-2 area district requirements, requires dwellings to have a minimum net floor area for living quarters of seven hundred twenty (720) square feet and a minimum lot size of no less than 5,000 square feet per dwelling, while the applicant proposes to maintain an existing single-unit dwelling of 440 square feet (237 Dering Avenue), and create a new dwelling unit that is 260 square feet on a 9,380 square foot lot (3126.67 square feet per dwelling) that is also developed with a third single-unit dwelling (239 Dering Avenue); and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes to maintain no frontage for the existing single-unit dwelling (237 Dering Avenue); and

**WHEREAS**, Section 3332.21, Building lines, requires the setback to be the average distance of building setbacks on contiguous lots or parcels, but in no case less than ten (10) feet, while the applicant proposes to maintain building lines of six (6) feet along Dering Avenue and nine (9) feet along South Seventh Street; 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 no clear vision triangle for the existing dwelling (239 Dering Avenue) at the intersection of Dering Avenue and South Seventh Street; and

**WHEREAS**, the Far South Columbus Area Commission recommends approval; and

**WHEREAS**, City Departments recommend disapproval because the proposed third dwelling is out of scale with the adjacent single-unit residences and is not consistent with the predominant development pattern in the neighborhood; 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 **239 DERING AVENUE (43207)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That a variance is granted from the provisions of Sections 3332.033, R-2, Residential District; 3332.12, R-2 area district requirements; 3332.19, Fronting on a public street; 3332.21, Building lines; and 3332.30, Vision clearance, of the Columbus City Codes, for the property located at **239 DERING AVENUE (43207)**, insofar as said sections prohibit three single-unit dwellings on one lot, with a net floor area for living quarters of 440 square feet for the rear dwelling (237 Dering Avenue) and of 280 square feet for the proposed dwelling where a minimum of 720 square feet is required, a minimum lot size of 3,126.67 square feet per dwelling

where a minimum of 5,000 square feet is required, no frontage on a public street for the rear dwelling (237 Dering Avenue), building lines of six (6) feet along Dering Avenue and nine (9) feet along South Seventh Street where ten (10) feet is required and no vision clearance triangle for the dwelling located at the intersection of Dering Avenue and South Seventh Street (239 Dering Avenue); said property being more particularly described as follows:

**239 DERING AVENUE (43207)**, being 0.22± acres located at the southwest corner of Dering Avenue and South Seventh Street, and being more particularly described as follows:

Parcel # 010-112630

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

Being lots numbered One Hundred Fifty-four (154) and One Hundred Fifty-five (155) in Lewis and Weisend's South High Street Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 13, Page 6, Recorder's Office, Franklin County, Ohio.

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for three single-unit dwellings on one lot, or those uses permitted in the R-2, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.