



## Legislation Details (With Text)

**File #:** 1711-2004      **Version:** 1

**Type:** Ordinance      **Status:** Defeated

**File created:** 9/20/2004      **In control:** Zoning Committee

**On agenda:** 11/19/2018      **Final action:** 11/19/2018

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3, Residential district; 3332.21, Building lines; and 3332.25, Maximum side yard required; of the Columbus City Codes for the property located at 34 CALLENDER AVENUE (43203), to permit a four-family dwelling with reduced development standards in the R-3, Residential District (Council Variance # CV04-020).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1711-2004DataSheet.pdf, 2. ORD 1711-2004 AmendedHardshipMaps.pdf, 3. ORD 1711-2004 Labels-ADDOnbyCLERK.pdf

Date	Ver.	Action By	Action	Result
11/19/2018	1	Zoning Committee	Taken from the Table	Pass
11/19/2018	1	Zoning Committee	Defeated	Fail
2/28/2005	1	Zoning Committee	Tabled Indefinitely	Pass
1/25/2005	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
1/21/2005	1	City Clerk's Office	Sent back for Clarification/Correction	
10/7/2004	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
10/7/2004	1	City Clerk's Office	Sent back for Clarification/Correction	
10/7/2004	1	Dev Zoning Drafter	Sent to Clerk's Office for Council	
10/6/2004	1	Dev Zoning Drafter	Sent for Approval	
10/6/2004	1	DEVELOPMENT DIRECTOR	Reviewed and Approved	
10/5/2004	1	Dev Zoning Reviewer	Reviewed and Approved	
10/4/2004	1	Dev Zoning Drafter	Sent for Approval	

**Council Variance Application: CV04-020**

**APPLICANT:** Nathan D. Fisher; 2211 North Fourth Street; Columbus, Ohio 43203.

**PROPOSED USE:** Four-family dwelling.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and is located directly north of a high-density multi-family residential development and east of a commercial parking lot. The applicant is requesting a Council variance to allow the construction of a four-family dwelling in the R-3, Residential District. A variance is necessary because the R-3, Residential District allows only single-family dwellings. Other variances include reductions to the required building setback and maximum side yard. The site lies within the planning area of the *Near East Area Plan* (1995), Northeast District, which encourages construction of new housing that is compatible with the architectural style of surrounding structures, provides housing for a range of incomes, and

restores appropriate portions of the neighborhood to their original character. The proposal is consistent with these recommendations of the Plan and with the development pattern of the area.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential district; 3332.21, Building lines; and 3332.25, Maximum side yard required; of the Columbus City Codes for the property located at **34 CALLENDER AVENUE (43203)**, to permit a four-family dwelling with reduced development standards in the R-3, Residential District (Council Variance # CV04-020).

**WHEREAS**, by application #CV04-020, the owner of the property at **34 CALLENDER AVENUE (43203)**, is requesting a Council variance to permit a four-family dwelling with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, permits only single-family dwellings, while the applicant proposes to construct a four-family dwelling with reduced development standards; and

**WHEREAS**, Section 3332.21, Building lines, requires the minimum building setback to be twenty-five (25) feet, while the applicant proposes a building line of fifteen (15) feet along North Callender Avenue for the new dwelling; and

**WHEREAS**, Section 3332.25, Maximum side yard permitted, requires the sum of the widths of each side yard to equal 20 percent of the lot width or no more than sixteen (16) feet, while the applicant proposes a maximum total side yard of ten (10) feet for the new dwelling; and

**WHEREAS**, this variance will allow the construction of a four-family dwelling with reduced development standards in the R-3, Residential District; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval and note a hardship exists because the site is located directly north of a high-density multi-family residential development and east of a commercial parking lot, and the requested Council variance to construct a four-family dwelling with reduced development standards in the R-3, Residential District, is consistent with the development pattern of the area and several recommendations of the *Near East Area Plan* (1995), including encouraging construction of new housing that is compatible with the architectural style of surrounding structures, providing housing for a range of incomes, and restoring appropriate portions of the neighborhood to their original character; 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 **34 CALLENDER AVENUE (43203)**, 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 Sections 3332.035, R-3, Residential district; 3332.21, Building lines; and 3332.25, Maximum side yard required; of the City Codes for the property located at **34 CALLENDER AVENUE (43203)**, insofar as said sections prohibit a four-family dwelling with a 15-foot building setback from Callender Avenue, and a reduced maximum side yard from 16 feet to 10 feet; said property being more particularly described as follows:

**34 CALLENDER AVENUE (43203)**, being 0.56± acres located at the northeast corner of Callender and Eastwood Avenues, and being more particularly described as follows:

Situated in the State of Ohio, the County of Franklin, and the City of Columbus, and being Lot Nos. Sixteen(16) and Seventeen (17) of Keyes Barr's North Addition to Eastwood, as said lots are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 115, 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 as a four-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 "**NEW FOUR-FAMILY CONDOMINIUM**", drawn by Urban Order architects, dated September 28, 2004, and signed by Nathan D. Fisher, 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 applicant constructing the proposed dwelling unit with the following materials and architectural features:

- All exterior walls to be brick- garage & main building
- Flat membrane roof on main building
- Hip roof with dimensional shingles on the garages
- Steel or wood frame construction
- Vinyl clad wood windows

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