



## Legislation Details (With Text)

**File #:** 2598-2019      **Version:** 2

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

**File created:** 10/1/2019      **In control:** Zoning Committee

**On agenda:** 10/28/2019      **Final action:** 10/31/2019

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.13(A), Driveway; 3312.25, Maneuvering; 3332.05(A)(4), Area district lot width requirements; 3332.15 R-4 area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the City of Columbus codes; for the property located at 288 & 294 E. 4TH AVE. (43201), to permit two single-unit dwellings on each of two contiguous lots, with reduced development standards in the R-4, Residential District (Council Variance #CV19-084) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2598-2019\_Attachments, 2. ORD2598-2019\_Labels

Date	Ver.	Action By	Action	Result
10/31/2019	2	CITY CLERK	Attest	
10/30/2019	2	MAYOR	Signed	
10/28/2019	2	COUNCIL PRESIDENT	Signed	
10/28/2019	1	Zoning Committee	Amended to Emergency	Pass
10/28/2019	1	Zoning Committee	Approved as Amended	Pass

**Council Variance Application: CV19-084**

**APPLICANT:** Juliet Bullock, Architect; 1182 Wyandot Road; Columbus, OH 43212.

**PROPOSED USE:** Two single-unit dwellings on each of two contiguous lots.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels each developed with a single-unit dwelling in the R-4, Residential District. The applicant requests a Council variance to permit the construction of one rear single-unit dwelling and one detached garage on each lot, with 294 E. 4<sup>th</sup> Avenue being Lot A, and 288 E. 4<sup>th</sup> Avenue being Lot B. The variance is necessary because the R-4, Residential District permits a maximum of four units in one dwelling, but does not permit two dwellings on one lot. Variances for driveway, maneuvering area, lot width, area district requirements, fronting, and rear yard are included with this request. The site is within the boundaries of the *Italian Village East Redevelopment Plan (2000)*, which recommends “Residential (1-2 units)” for this location. Staff finds that the proposal will not add incompatible uses to the area, is consistent with the recent development pattern in this historic urban neighborhood, and notes that building design will conform to the Italian Village Commission requirements.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; 3312.13(A), Driveway; 3312.25, Maneuvering; 3332.05(A)(4), Area district lot width requirements; 3332.15 R-4 area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the City of Columbus codes; for the property located at **288 & 294 E. 4TH AVE.**

**(43201)**, to permit two single-unit dwellings on each of two contiguous lots, with reduced development standards in the R-4, Residential District (Council Variance #CV19-084) **and to declare an emergency.**

**WHEREAS**, by application #CV19-084, the owner of property at **288 & 294 E. 4TH AVE. (43201)**, is requesting a Council variance to permit two single-unit dwellings on each of two contiguous lots, with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3333.039, R-4, Residential District, allows a maximum of four units in one dwelling, but does not permit two single-unit dwellings on one lot, while the applicant proposes to construct a single-unit dwelling on the rear of each lot that is developed with a single-unit dwelling on two contiguous lots identified as Lot A and Lot B; and

**WHEREAS**, Section 3312.13(A), Driveway, requires a ten-foot minimum driveway width for residential parking areas containing one to eight parking spaces, while the applicant proposes a shared driveway from Greenwood Avenue with a five-foot width on each side of the parcel line between Lots A and B; and

**WHEREAS**, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, while the applicant proposes to allow maneuvering over the property line between Lots A and B for parking spaces and also for the shared driveway serving both lots; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes to maintain the existing 32-foot wide lots for both Lots A and B; and

**WHEREAS**, Section 3332.15 R-4 area district requirements, requires a lot of 5,000 square feet for a single-unit dwelling, while the applicant proposes to maintain an existing single-unit dwelling and construct a rear single-unit dwelling on Lots A and B which each have a lot area of 3,072 square feet (1,536 square feet per dwelling unit) pursuant to the lot area calculation required by Section 3332.18(C); and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while the applicant proposes that the rear single-unit dwellings on Lots A and B have frontage on Greenwood Avenue which is an alley; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes no rear yard for the rear single-unit dwellings on Lots A and B, and noting that the dwellings fronting on E. 4<sup>th</sup> Avenue meet the minimum rear yard requirement of 1,432 square feet for each lot; and

**WHEREAS**, the Italian Village Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area, is consistent with the recent development pattern in this historic urban neighborhood, and notes that building design will conform to the Italian Village Commission requirements; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed rear single-unit dwellings; 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 **288 & 294 E. 4TH AVE. (43201)**, in using said property as desired;

**WHEREAS, an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to begin construction as soon as possible 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 3332.039, R-4 residential district; 3312.13(A), Driveway; 3312.25, Maneuvering; 3332.05(A)(4), Area district lot width requirements; 3332.15 R-4 area district requirements; 3332.19, Fronting; and 3332.27, Rear yard, of the City of Columbus codes, is hereby granted for the property located at **288 & 294 E. 4TH AVE. (43201)**, insofar as said sections prohibit two single-unit dwellings on one lot for both Lots A and B in the R-4, Residential District, with a shared driveway having five feet of width on each side of the parcel line between Lots A and B where ten feet is required; maneuvering over the property line between Lots A and B for parking spaces and also for the shared driveway serving both lots; reduced lot widths from 50 feet to 32 feet for both Lots A and B; reduced lot area from 5,000 square feet per dwelling unit to 1,536 square feet per dwelling unit for both Lots A and B; frontage on Greenwood Avenue which is an alley in lieu of fronting on a public street for the rear dwelling units on both Lots A and B; and no rear yard for the rear dwelling units on Lots A and B; said property being more particularly described as follows:

**288 & 294 E. 4TH AVE. (43201)**, being 0.26± acres located on the north side of East Fourth Avenue, 540± feet east of North Fourth Street, and being more particularly described as follows:

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

Being Lot Numbers Seventeen (17) and Eighteen (18) of McComb's Fifth Avenue Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, Page 387, Recorder's Office, Franklin County, Ohio.

Known as Parcel Numbers 010-007636 (294 E. 4<sup>th</sup> Ave.; Lot #17) and 010-024639 (288 E. 4<sup>th</sup> Ave.; Lot #18).

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings on one lot for two contiguous lots, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**288/294 E 4TH FRONT AND REAR,**" signed by Juliet Bullock, Applicant, and dated September 24, 2019. The 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 plans shall be subject to review and approval by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed rear single-unit dwellings.

**SECTION 5.** ~~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.**