



Legislation Text

File #: 0468-2012, **Version:** 1

Council Variance Application: CV11-028

APPLICANT: Gabriel Selemon & Yeshashwork Hailu; c/o Tom Somos, Attorney; 1500 West Third Avenue, Suite 324; Columbus, OH 43212.

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 to maintain only one parking space 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 an area-wide City-sponsored 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; 3321.05(A)(2),(B)(1) Vision clearance; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yard permitted; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **271-277 SOUTH**

CHAMPION AVENUE (43205), to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance # CV11-028).

WHEREAS, by application No. CV11-028, the owner of property at **271-277 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 and conform an existing two-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two (2) parking spaces per dwelling unit, totaling four (4) required spaces, while the applicant proposes to maintain one (1) parking space; and

WHEREAS, Section 3321.05(A)(2),(B)(1) Vision clearance, requires clear vision for driveways and at the intersection of streets and alleys, while the applicant proposes to maintain encroachment of the existing dwelling into the required clear vision area for the existing driveway, and into the clear vision triangle at the intersection of South Champion Avenue with Bryden Alley; 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 2,753± 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 56.5% lot coverage with the existing building; and

WHEREAS, Section 3332.21, Building lines, requires the setback to be that distance as determined where the line which connects the front of the nearest building on either side of the subject parcel, bisects the subject parcel, but in no case less than ten (10) feet, while the applicant proposes to maintain a building line of five (5) feet along South Champion Avenue; and

WHEREAS, Section 3332.25, Maximum side yard permitted, requires the sum of the widths of each side yard to equal 20% of the lot width, or 13.1 feet for a lot width of 65.52 feet, while the applicant proposes to maintain a maximum side

yard of approximate five (5) feet for the existing building and parking space; and

WHEREAS, Section 3332.26, Minimum side yard required, requires a side yard of no less than five (5) feet , while the applicant proposes to maintain a minimum side yards of 0.3 feet for the existing building along the south property line; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five percent (25%) of the total lot area, while the applicant proposes to maintain a rear yard of approximately eleven percent (11%); 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 an area-wide City-sponsored 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 **271-277 SOUTH CHAMPION AVENUE (43205)**, in using said property as desired; 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; 3321.05(A)(2),(B)(1) Vision clearance; 3332.13, R-3 area district requirements; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **271-277 SOUTH CHAMPION AVENUE (43205)**, insofar as said sections prohibit a two-unit dwelling with one (1) parking space, encroachment of the dwelling into required clear vision areas, a reduced lot area of 2,753± square feet, an increased maximum lot coverage of 56.5%, a reduced building line of five (5) feet along South Champion Avenue, a reduced maximum side yard of approximately five (5) feet , a reduced minimum side yard of 0.3± feet along the south property line, and a reduced rear yard of approximately eleven percent (11%); said property being more particularly described as follows:

271-277 SOUTH CHAMPION AVENUE (43205), being 0.06± acres located on the west side of South Champion Avenue, 90± feet south of Bryden Road, and being more particularly described as follows:

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

Being part of Lot Number Ninety-Seven (97) of the Second Amendment Plat of the Hoffman & McGrew's Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Pages 200 and 201, Recorder's Office, Franklin County, Ohio, said portion of said lot being described as follows:

Being Unit Numbers 271 and 277, and an undivided interest in the common area and facilities of 271-277 South Champion Avenue Condominium, as the same is numbered, designated, delineated, and described in the Declaration and on the Drawings thereof, of record, respectively, in Instrument Number 200603020039231; and Condominium Plat Book 163, Page 6, Recorder's Office, Franklin County, Ohio.

Parcel Numbers: 010-280217 & 010-280218

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 is further conditioned on the Subject Site being in general conformance with the site plan titled, "**ZONING COMPLIANCE DRAWING**," dated January 11, 2012, and drawn and signed by Jon B. Adcock, Professional Surveyor.

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