



Legislation Text

File #: 1332-2009, Version: 1

Council Variance Application: CV07-028

APPLICANT: Colleen Boldizar; c/o Don W. Baltosser, Agent; 415 Parkview Avenue; Bryan, Ohio 43506.

PROPOSED USE: Single-family dwellings.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with three single-family residences on one lot in the AR-1, Apartment Residential District. The applicant requests a Council variance to split the property into three separate single-family lots to allow the individual lots to be sold. The AR-1, Apartment Residential District allows single-family dwellings only on lots established prior to January 14, 1959, or lots that were platted before July 16, 1986. The requested variance would conform the existing dwellings and create lot sizes in character with the surrounding neighborhood. Variances include reductions to front and side-yard setbacks, lot width, and parking requirements. The site is located within the planning areas of the *Weinland Park Neighborhood Plan* (2006) and the *University Neighborhoods Revitalization Plan* (1996), both of which support single-family residential uses at this location.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3333.09, Area requirements; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3342.15, Maneuvering; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3372.521 (D) (E), Supplemental parking requirements, of the Columbus City Codes; for the property located at **1283 SUMMIT STREET (43201)**, to permit three separate single-family lots with reduced development standards in the AR-1, Apartment Residential District (Council Variance # CV07-028).

WHEREAS, by application #CV07-028, the owner of the property at **1283 SUMMIT STREET (43201)**, is requesting a Variance to permit three separate single-family lots with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, does not permit single-family dwelling use on newly-created parcels, while the applicant proposes to split a lot developed with three existing single-family dwellings into three separate lots; and

WHEREAS, Section 3333.09, Area requirements, requires that no building shall be erected or altered on a lot with a width of no less than fifty (50) feet, while the applicant proposes a lot widths of 31.12 feet for Lot 1, 37.15 feet for Lot 2, and 31.0 feet for Lot 3; and

WHEREAS, Section 3333.18, Building lines, requires a twenty-five (25) foot building line, while the applicant proposes 17.9 foot building lines along Summit Street for Lots 1 and 2, a zero (0) foot building line for Lot 1 along Sixth Avenue, and an 9.6 foot building line along Sixth Avenue for Lot 3; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes a zero (0) foot side yard for the parking area along the south property line of Lot 1, a 2.9 foot side yard for the existing dwelling and a zero (0) foot side yard for the parking area along the north property line of Lot 2, and a 1.8 foot side yard along the west property line of Lot 3; and

WHEREAS, Section 3342.15, Maneuvering, requires that every parking and loading space shall have sufficient access and maneuvering area which may occur anywhere on a lot, while the applicant proposes access and maneuvering to occur on Lot 1 for the parking spaces on Lot 2; and

WHEREAS, Section 3342.18, Parking setback line, requires a twenty-five (25) foot parking setback line, while the applicant proposes a zero (0) foot parking setback line for the existing parking lot along East Sixth Avenue for Lot 1; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, while the applicant proposes zero (0) on-site parking spaces for Lot 3 but will provide one (1) parking space on Lot 1; and

WHEREAS, Section 3372.521(A) and (E), Supplemental parking requirements, requires that no parking or maneuvering shall be permitted in any required side yard, and that each parking area be separated from required yards or landscaped areas by a continuous eight (8) inch high curb or other permanent barrier, while the applicant proposes parking in required side yards and no separation of parking areas between Lot 1 and Lot 2; and

WHEREAS, this variance will permit three separate single-family lots with reduced development standards in the AR-1, Apartment Residential District; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested variances would conform the existing dwellings and create lot sizes in character with the surrounding neighborhood, and are supported by the land use recommendations of both the *Weinland Park Neighborhood Plan* (2006) and the *University Neighborhoods Revitalization Plan* (1996); 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 **1283 SUMMIT STREET (43201)**, 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 be granted from the provisions of Sections 3333.02, AR-12, ARLD and AR-1, Apartment residential district use; 3333.09, Area requirements; 3333.18, Building lines; 3333.23, Minimum side yard permitted; 3342.15, Maneuvering; 3342.18, Parking setback line; 3342.28, Minimum number of parking spaces required; and 3372.521 (A) and (E), Supplemental parking requirements, of the Columbus City Codes; for the property located at **1283 SUMMIT STREET (43201)**, insofar as said sections prohibit single-family dwelling use, with reduced lot widths from 50 feet to 31.12 feet for Lot 1, 37.15 feet for Lot 2, and 31.0 feet for Lot 3; reduced building setbacks from 25 feet to 17.9 feet along Summit Street for Lots 1 and 2, zero (0) feet along Sixth Avenue for Lot 1, and 9.6 feet along Sixth Avenue for Lot 3; reduced minimum side yards from 5 feet to zero (0) feet along the south property line of Lot 1, 2.9 feet for the existing dwelling and zero (0) feet for the parking area along the north property line of Lot 2, and 1.8 feet along the west property line of Lot 3; access and maneuvering to occur on Lot 1 for the parking spaces on Lot 2; reduced parking setbacks from 25 feet to zero (0) feet along East Sixth Avenue for Lot 1; zero (0) on-site parking spaces for Lot 3; and parking in required side yards and no separation of parking areas between Lot 1 and Lot 2, said properties being more particularly described as follows:

1283 SUMMIT STREET (43201), being 0.27± acres located at the southwest corner of Summit Street and Sixth Avenue, and being more particularly described as follows:

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

Being Lot Number Eight (8) of DANIEL HORLOCKER'S SUBDIVISION of the east part of Lot Number Four (4) of JOHN HYERS' SUBDIVISION of Lot Number Six (6) of STEVENSON'S HEIRS' SUBDIVISION of 4th Quarter, 1st Township, 18th Range, U.S. Military Lands, City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 297, Recorder's Office, Franklin County, Ohio. Said Lot being sixty-eight (68) feet of frontage on Summit Street in said city.

Known as Parcel # 010-023164 and addressed as 1279 Summit Street, 1283 Summit Street, and 117 East Sixth Avenue.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for three separate single-family dwellings, or those uses permitted in the AR-1, Apartment Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being subdivided in general conformance with the site plan titled, "**VARIANCE/LOT SPLIT EXHIBIT**," drawn by C.F. Bird & Bull, Inc., dated September 23, 2009, and signed by Don W. Baltosser, Agent for the Applicant. The 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 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 approvals required for the proposed lot splits.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.