



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
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Legislation Text

File #: 1001-2006, **Version:** 2

Council Variance Application: CV06-017

APPLICANT: Ann N. and Jane Heffernan; c/o Donald Plank, Atty.; 145 East Rich Street; Columbus, Ohio 43215.

PROPOSED USE: Two-family dwelling.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This request will permit an existing two-family dwelling in the R-3, Residential District and allow a reduction in required parking spaces from four (4) to two (2). A Council variance is necessary in that a two-family dwelling is not a permitted use in the R-3, Residential District. 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 and 3342.28, Minimum number of parking spaces required, for the property located at **137-139 SOUTH GARFIELD AVENUE (43205)**, to permit an existing two-family dwelling in the R-3, Residential District with a reduction in the number of required parking spaces **and to declare an emergency.** (Council Variance # CV06-017)

WHEREAS, by application No. CV06-017, the owner of property at **137-139 SOUTH GARFIELD AVENUE (43205)**, is requesting a Council Variance to permit an existing two-family dwelling with a reduction in the number of required parking spaces in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential District, prohibits two-family dwellings, while the applicant proposes to maintain and expand an existing two-family dwelling; and

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 allow the homeowner to proceed with the permit submittal for the immediate preservation of the public peace, property, health and safety; and**

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires four (4) parking spaces, while the applicant proposes to maintain the existing two (2) parking spaces; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because this request will not add a new or incompatible use to the area. This request will permit an existing two-family dwelling in the R-3, Residential District and allow a reduction in required parking spaces from four (4) spaces to two (2). A Council variance is necessary in that a two-family dwelling is not a permitted use in the R-3, Residential District.; 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 **137-139 SOUTH GARFIELD 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 and 3342.28, Minimum number of parking spaces required, for the property located at **137-139 SOUTH GARFIELD AVENUE (43205)**, insofar as said sections prohibit a two-family dwelling with two (2) parking spaces; said property being more particularly described as follows:

137-139 SOUTH GARFIELD AVENUE (43205), being 0.14± acres located on the west side of South Garfield Avenue, 200± feet south of Franklin Avenue, and being more particularly described as follows:

LEGAL DESCRIPTION

137-139 GARFIELD AVENUE, COLUMBUS, OHIO 43205

Situated in the State of Ohio, County of Franklin, and in the City of Columbus and bounded and described as follows:

Being Parcel Number Five (5), of an unrecorded subdivision made June 2, 1916 by Jennings, Lawrence & Lindsey Engineers for Blanche E. Wren of Lot Numbers 10 to 16, inclusive, of Willia Monypeny's Addition or Subdivision of land in said City of Columbus, Ohio as per Plat Book 3, Page 436, Recorder's Office, Franklin County, Ohio on which Parcel a frame house known as No. 191 N. Ohio Avenue now stands, which

Being Lot Number Forty-Seven (47), in Benjamin Monett's Bryden Road Subdivision, of part of Lot No. 2 of James Bryden, et al., subdivision of part of Half Section 24, Township 5, Range 22, Refugee Lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Pages 92 and 93, 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 a two-family dwelling, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits 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.~~ **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.**