



Legislation Text

File #: 1131-2016, **Version:** 2

Council Variance Application: CV16-005

APPLICANT: Smith Kids LLC; c/o Michael T. Shannon, Atty.; 500 South Front Street, Suite 1200; Columbus, OH 43215.

PROPOSED USE: Three-unit dwelling.

GERMAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently developed with a three-unit dwelling zoned R-2F, Residential District, but city records only confirm the use of the property as a two-unit dwelling. The requested Council variance will bring the existing dwelling and parcel into compliance. The variance is necessary because the R-2F, Residential District permits a maximum of two dwelling units in one building. Variances are included to conform a gravel parking surface, two parking spaces, vision clearance, area district and lot width requirements, building lines, and maximum and minimum side yards. Staff finds that the proposal will not add incompatible uses to the area as the three-unit dwelling has existed for many years, and is compatible with residential densities in this area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District use; 3312.43, Required surface for parking; 3312.49, Minimum numbers of parking spaces required; 3321.05(B), Vision clearance; 3332.05(A)(4), Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.21(D), Building lines; 3332.25, Maximum side yards required; and 3332.26(C)(3), Minimum side yard permitted, of the City of Columbus codes; for the property located at **593 CITY PARK AVENUE (43215)**, to permit a three-unit dwelling with reduced development standards in the R-2F, Residential District **and to declare an emergency** (Council variance # CV16-005).

WHEREAS, by application No. CV16-005, the owner of property at **593 CITY PARK AVENUE (43215)**, is requesting a Council variance to permit a three-unit dwelling with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3333.037, R-2F, Residential District, allows a maximum of two units in one building, while the applicant proposes to conform an existing three-unit dwelling; and

WHEREAS, Section 3312.43, Surface, requires the surface of any parking area to be an approved hard surface other than gravel or loose fill, while the applicant proposes to maintain gravel parking surface; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires two (2) parking spaces per dwelling unit, or six (6) spaces total for the three-unit dwelling, while the applicant proposes to maintain two (2) parking spaces; and

WHEREAS, Section 3321.05(B), Vision clearance, requires ten (10) feet of unobstructed vision clearance at the intersections of streets and alleys, while the applicant proposes to maintain zero (0) feet of unobstructed vision clearance at the intersection of City Park Avenue with East Willow Street; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot no less than fifty (50) feet wide, while the applicant proposes to maintain the existing 31.25 foot wide lot; and

WHEREAS, Section 3332.14, R-2F area district requirements, requires a lot of no less than 3,000 square feet per dwelling, while the applicant proposes to maintain a three-unit dwelling on a 3,125 square foot lot (1,041.6 square feet of lot area per dwelling unit); and

WHEREAS, Section 3332.21(D), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, but in no case less than ten (10) feet, while the applicant proposes to maintain a minimum building line of zero (0) feet from City Park Avenue; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of each side yard shall equal or exceed 20 percent of the width of the lot (6.25 feet), while the applicant proposes to maintain a maximum side yard of zero (0) feet; and

WHEREAS, Section 3332.26(C)(3), Minimum side yard permitted, requires a minimum side yard of five (5) feet on a lot width of fifty (50) feet or less, while the applicant proposes to maintain the side yards of zero (0) feet for the existing dwelling; and

WHEREAS, the German Village Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances as staff finds that the proposal will not add incompatible uses to the area as the three-unit dwelling has existed for many years, and is compatible with residential densities in this area; 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 **593 CITY PARK AVENUE (43215)**, in using said property as desired; 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 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 3333.037, R-2F, Residential district use; 3312.43, Required surface for parking; 3312.49, Minimum numbers of required parking spaces; 3321.05(B), Vision clearance; 3332.05, Area district lot width requirements; 3312.14, Area district requirements; 3332.21(D), Building lines; 3332.25, Maximum side yards required; and 3332.26(C)(3), Minimum side yard permitted, of the City of Columbus codes, is hereby granted for the property located **593 CITY PARK AVENUE (43215)**, insofar as said sections prohibit a three-unit dwelling in the R-2F, Residential District; with a gravel parking surface; with a parking space reduction from six (6) required spaces to two (2) spaces; a vision clearance reduction from ten (10) feet to zero (0) feet; a reduced lot width from fifty (50) feet to 31.25 feet; a reduced lot size from 3,000 square feet per dwelling unit to 1,042± square feet per dwelling

unit; a reduced building line from ten (10) feet to zero (0) feet along City Park Avenue; a reduced maximum side yard from 6.25 feet to 0 feet; and reduced side yards from five (5) feet to zero (0) feet; said property being more particularly described as follows:

593 CITY PARK AVENUE (43215), being 0.07± acres located at the northwest corner of City Park Avenue and East Willow Street, and being more particularly described as follows:

533 City Park Avenue
PID: 010-033330-00

Situated in the State of Ohio, County of Franklin, City of Columbus. Being at the northwest corner of the intersection of Willow Street and City Park Avenue. Consisting of 0.072 acres.

Being 100 feet off the east end of the following described property:

Being 31.25 feet off of the south end of Block No. Fourteen (14) of McGowan's Addition, to said City of Columbus, as he same is numbered and delineated upon the plat thereof, of record in Deed Book G, Page 70, Recorder's Office, Franklin County, Ohio (Destroyed by fire).

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a three-unit dwelling, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**SITE PLAN FOR COUNCIL VARIANCE**," signed by Michael T. Shannon, Attorney for the Applicant, and dated March 30, 2016. 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 a Certificate of Occupancy for the proposed use.

SECTION 5. 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.