



Legislation Text

File #: 1187-2005, Version: 1

Council Variance Application: CV05-013

APPLICANT: Loss Miller; 6166 Heritage Lakes Drive; Hilliard, Ohio 43026.

PROPOSED USE: Two single-family dwellings on one lot.

FRANKLINTON AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will allow a second existing dwelling on a lot to be conforming in the R-4, Residential District. The R-4, Residential District allows up to four units in one dwelling. The applicant requests variances to make existing conditions conforming, including minimum lot size, fronting on a public street, side yard setbacks, rear yard, rear yard obstruction, parking surface and minimum number of required parking spaces. A hardship exists in that a variance is necessary for the repair and renovation of the rear building and its continued use as a dwelling.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District use; 3332.15, Area District requirements; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.28, Side or rear yard obstruction; 3332.33, Private access and parking requirements; 3342.24, Surface and 3342.28, Minimum number of parking spaces required; of the City of Columbus codes, for the property located at **410 NACE AVENUE (43223)**, to permit two existing single-family dwellings on one lot with reduced development standards in the R-4, Residential District. (Council Variance # CV05-013)

WHEREAS, by application No. CV05-013, the owner of property at **410 NACE AVENUE (43223)**, is requesting a Council Variance to permit two existing single-family dwellings on one lot with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, Residential District, requires a separate lot for each principal use, while the applicant proposes to make two existing single-family dwellings on the same lot conforming; and

WHEREAS, Section 3332.15, Area District requirements, requires each single-family dwelling to have a lot of no less than 5,000 square feet, with a minimum area of 2,500 square feet per dwelling for a multi-family building with three or four dwellings, while the applicant proposes two existing single-family dwellings on one 3,414 square foot lot; and

WHEREAS, Section 3332.19, Fronting on a public street, requires a dwelling unit to have frontage on a public street, while the applicant proposes no frontage for the second existing single-family dwelling; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of three (3) feet while the existing single-family dwelling in the rear is less than three (3) feet from the south property line; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes no rear yard for the existing single-family dwelling in the rear; and

WHEREAS, Section 3342.24, Surface, requires a parking space to be improved with Portland cement, asphaltic concrete, or other hard surface other than gravel while the applicant proposes use of a gravel surface; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires each dwelling unit to have two (2) off-street parking spaces, for a total of four (4) parking spaces, while the applicant proposes a total of one (1) parking space for the two dwellings; and

WHEREAS, the *Franklinton Plan* (2003) identifies the area for single-family residential development; and

WHEREAS, the Franklinton Area Commission recommends approval; and

WHEREAS, City Departments recommend approval and note a hardship exists because the requested variance would conform two existing dwellings with reduced development standards in the R-4, Residential District, and allow the owner to repair, renovate, and re-occupy the second dwelling on the rear of the property; 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 **410 NACE AVENUE (43223)**, 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 3332.039, R-4, Residential District; 3332.15, Area District requirements; 3332.19, Fronting on a public street; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.28, Side or rear yard obstruction; 3332.33, Private access and parking requirements; 3342.24, Surface and 3342.28, Minimum number of parking spaces required; of the City codes, for the property located at **410 NACE AVENUE (43223)**, insofar as said sections prohibit two single-family dwellings on a 3,414 square foot lot with the rear dwelling having no frontage on a public street, minimum side yard of less than 3 feet, no rear yard, a gravel surfaced parking space, and a parking space reduction from four (4) spaces to one (1) space for both dwellings; said property being more particularly described as follows:

410 NACE AVENUE (43209), being 0.074± acres located on the east side of Nace Avenue, 57± feet north of Campbell Avenue, and being more particularly described as follows:

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

Being Lot Number One Hundred Fifty-eight (158) of HAMILTON PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 127, 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 two single-family dwellings or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned on the applicant obtaining all applicable permits and a Certificate of Occupancy 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.