



Legislation Text

File #: 1105-2007, Version: 2

Council Variance Application: CV07-027

APPLICANT: Kerri McTigue; 1564 Highland Street; Columbus, Ohio 43201.

PROPOSED USE: Single-family dwelling.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The applicant is requesting a Council Variance to convert an existing two-family dwelling to a single-family dwelling in the AR-4, Apartment Residential District. The AR-4, Apartment Residential District allows single-family dwellings only on lots established prior to January 14, 1959, or on lots that were platted before July 16, 1986. This lot was created in 1989. The requested variance would permit a single-family dwelling on a lot that is characteristic with the surrounding neighborhood. Variances for existing as-built conditions such as reduced front and side-yard setbacks, lot width, rear yard, and to the University Planning Overlay are included in the request. Both Staff and the University Area Commission support the conversion because it aids in reducing density in a highly-dense neighborhood. In addition, the applicant has agreed to provide a minimum of eighty (80) square feet of green space with at least one 2.5 inch caliper deciduous tree, which will improve the streetscape along Highland Street.

To grant a Variance from the provisions of Sections 3333.035, AR-4 Apartment residential district use; 3333.09, Area requirements; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; 3333.27 (c), Vision clearance; 3342.18, Parking setback line; 3372.562(A) and (B), Landscaped area and treatment; 3372.563, Maximum lot coverage; 3372.564(A), Parking; and 3372.567, Maximum floor area; of the Columbus City Codes for the property located at **1564-1568 HIGHLAND STREET (43201)**, to permit a single-family dwelling with reduced development standards in the AR-4, Apartment Residential District **and to declare an emergency.** (Council Variance # CV07-027)

WHEREAS, by application #CV07-027, the owner of the property at **1564-1568 HIGHLAND STREET (43201)**, is requesting a Variance to permit a single-family dwelling with reduced development standards in the AR-4, Apartment Residential District; and

WHEREAS, Section 3333.035, AR-4, Apartment residential district use, does not permit a single-family dwelling on a lot created in 1989, while the applicant proposes to convert an existing two-family dwelling to a single-family dwelling with reduced development standards; 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; 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 to maintain the existing lot width of 42.5 feet for the dwelling; and

WHEREAS, Section 3333.18, Building lines, requires buildings to have a setback of not less than ten (10) feet from the right-of-way, while the applicant proposes to maintain the existing setback of zero (0) feet along Highland Street for the dwelling; and

WHEREAS, Section 3333.22, Maximum side yard required, requires the sum of the widths of each side yard to equal 20% of the lot width, or 8.5 feet, while the applicant proposes to maintain the existing maximum side yard of zero (0) feet for the dwelling; and

WHEREAS, Section 3333.23, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant

proposes to maintain the existing zero (0) foot side yards along the north and south property lines for the dwelling; and

WHEREAS, Section 3333.24, Rear yard, requires each principal building to have a rear yard of no less than twenty-five percent (25%) of the lot area, while the applicant proposes to maintain an existing rear yard of zero percent (0%) for the dwelling; and

WHEREAS, Section 3333.27(c), Vision clearance, prohibits any portion of a fence or wall exceeding two and one-half (2 ½) feet in height above the finished lot grade to exceed twenty-five (25) percent opacity when located in a required yard having vehicular access to a street or abutting such access within thirty (30) feet of the intersection, while the applicant proposes to maintain no vision clearance due to the existing dwelling at the intersection of Highland Street with the alley and at the vehicular access point; and

WHEREAS, Section 3342.18, Parking setback line, requires a parking setback line of twenty-five (25) feet, while the applicant proposes to maintain a parking setback line of zero (0) feet along Highland Street; and

WHEREAS, Section 3372.562(A) and (B), Landscaped area and treatment, requires that at least five percent (5%), or approximately eighty (80) square feet of the lot area be planted and located behind the most rear portion of the residential building, and that a shade tree of no less than two and one-half (2.5) inch caliper be planted in the rear yard for up to ten (10) parking spaces provided, while the applicant proposes to install a minimum eighty (80) square foot landscaped area and at least one 2.5 inch caliper deciduous tree in the side yard along the north side of the dwelling fronting upon Highland Street within two (2) years of the effective date of this ordinance; and

WHEREAS, Section 3372.563, Maximum lot coverage, requires that a building or combination of buildings, including any rear or side porch or roofed stairs but excluding any balcony, walkway, deck, front porch, carport or garage, shall cover no more than thirty percent (30%) of the lot area, while the applicant proposes a 66.85 % lot coverage for the existing dwelling and future construction of a maximum three-hundred (300) square foot side deck or porch; and

WHEREAS, Section 3372.564(A), Parking, requires that no more than thirty-five (35) percent of any lot area shall be devoted to the parking and maneuvering of vehicles, while the applicant proposes to maintain forty-seven percent (47%) of the lot area for the existing parking lot coverage; and

WHEREAS, Section 3372.567, Maximum floor area, requires a maximum calculated floor area ratio (F.A.R) of not greater than 0.60, while the applicant proposes to a floor area ratio of 0.66 for the converted single-family dwelling; and

WHEREAS, this variance will permit a single-family dwelling with reduced development standards in the AR-4, Apartment Residential District; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the conversion from a two-family dwelling to a single-family dwelling aids in reducing density in a highly-dense neighborhood. In addition, the applicant has agreed to provide a minimum of eighty (80) square feet of green space with at least one 2.5 inch caliper deciduous tree, which will improve the streetscape along Highland Street. The AR-4, Apartment Residential District allows single-family dwellings only on lots established prior to January 14, 1959, or on lots that were platted before July 16, 1986. This lot was created in 1989. The requested variance would permit a single-family dwelling on a lot that is characteristic with the surrounding neighborhood; 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 **1564-1568 HIGHLAND 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 variances from the provisions of Sections 3333.035, AR-4 Apartment residential district use; 3333.09, Area requirements; 3333.18, Building lines; 3333.22, Maximum side yard required; 3333.23, Minimum side yard permitted; 3333.24, Rear yard; 3333.27(c), Vision clearance; 3342.18, Parking setback line; 3372.562(A) and (B), Landscaped area and treatment; 3372.563, Maximum lot coverage; 3372.564(A), Parking; and 3372.567, Maximum floor area; of the Columbus City Codes are hereby granted for the property located at **1564-1568 HIGHLAND STREET (43201)**, insofar as said sections prohibit a single-family dwelling with a reduced lot width from fifty (50) feet to 42.5 feet, a zero (0) foot building setback, a reduced maximum side yard from 8.5 feet to zero (0) feet, a reduced minimum side yard from five (5) feet to zero (0) feet, a zero percent (0%) rear yard, no vision clearance along Highland Street, a zero (0) foot parking setback, required landscaping in the side yard instead of the rear yard, and increases in the maximum lot coverage from thirty percent (30%) to 66.85 percent, the parking lot coverage from thirty-five percent (35%) to forty-seven percent (47%), and the floor area ratio from 0.60 to 0.66; said property being more particularly described as follows:

1564-1568 HIGHLAND STREET (43201), being 0.04 ± acres located on the east side of Highland Street, 117.5± feet south of West Tenth Avenue, 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 51, William N. King's Second Subdivision as numbered and delineated on record plat thereof in Plat Book 4, Page 137, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pin set at the southwest corner of said Lot 51, said corner being the intersection of the east line of Highland Street (60 feet wide), and the north line of an alley 20 feet wide;

Thence, northerly along the said east line of Highland Street (West line of Lot 51), a distance of 42.50 feet to a railroad spike;

Thence, easterly across Lot 51, along a line parallel with the southerly line of said lot, a distance of 37.50 feet to an iron pin in the east line of Lot 51;

Thence, southerly along the east line of Lot 51, a distance of 42.50 feet to an iron pin set at the southeast corner of said lot, and in the north line of said 20 foot wide alley; Thence, westerly along the north line of said 20 foot wide alley; thence, westerly along the north line of said alley, and south line of Lot 51, a distance of 37.50 feet to the place of beginning, CONTAINING 1594 SQUARE FEET (0.037 acres).

Parcel No: 010-214161

Commonly known as 1564-1568 Highland Street, Columbus, OH 43201

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a single-family dwelling, or those uses permitted in the AR-4, Apartment Residential District.

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

SECTION 4. That this ordinance is further conditioned upon the applicant installing a minimum eighty (80) square foot landscaped area and at least one 2.5" caliper deciduous tree in the side yard along the north side of the dwelling fronting upon Highland Street within two years of the effective date of this ordinance.

SECTION 5. ~~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.**