



## Legislation Text

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**File #: 0886-2010, Version: 3**

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**Council Variance Application: CV10-009**

**APPLICANT:** Columbus Housing Partnership; c/o Carrie Hiatt; 562 East Main Street; Columbus, OH 43215.

**PROPOSED USE:** A five-unit apartment building and a two-unit dwelling on one lot.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped and zoned in the R-2F, Residential District. The requested Council variance will allow the construction of a five-unit apartment building and a two-unit dwelling on one lot. A variance is necessary because the R-2F, Residential District, allows one dwelling with a maximum of two units on each lot. Variances for area district requirements, building lines, minimum side yard, building height, vision clearance, and for four required parking spaces are included in the request. A hardship exists because there is no zoning district that allows both a five-unit apartment and 2-unit dwelling on one lot, and the configuration of the site having two street frontages poses challenges for compliance with yard and setback requirements. The site is located within the planning area of *The Near East Area Plan (2005)*, which recommends higher-density residential and mixed-use development for the site. The Plan also includes a number of residential design-related recommendations. The applicant has committed to elevation drawings which ensure compatibility with the Plan recommendations and incorporate architectural features of neighboring homes.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3312.49, Minimum number of parking spaces required; 3332.14, R-2F Area District Requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; 3332.29, Height district; and 3332.30, Vision clearance, of the Columbus City Codes, for the property located at **1072 EAST LONG STREET (43203)**, to permit a five-unit apartment building and a two-unit dwelling with reduced development standards on one lot in the R-2F, Residential District (Council Variance # CV10-009),....and to declare an emergency.

**WHEREAS**, by application No. CV10-009, the owner of the property at **1072 EAST LONG STREET (43203)**, is requesting a Council Variance to permit a five-unit apartment building and a two-unit dwelling with reduced development standards on one lot in the R-2F, Residential District; and

**WHEREAS**, Section 3332.037, R-2F, Residential District Use, permits one single-family or one two-family dwelling on a lot, while the applicant proposes a five-unit apartment building and a two-unit dwelling on one lot; and

**WHEREAS**, Section 3312.49, Minimum number of parking spaces required, requires 1.5 parking spaces per dwelling unit, or eleven (11) spaces, while the applicant proposes seven (7) parking spaces; and

**WHEREAS**, Section 3332.14, R-2F Area District Requirements, requires a two-story two-unit dwelling to be situated on a lot of no less than three thousand (3,000) square feet in area per dwelling unit, while the applicant proposes to construct a five-unit apartment building and a two-unit dwelling on one lot that contains 9,453± square feet which equals 1,351± square feet in area per dwelling unit; and

**WHEREAS**, Section 3332.21, Building lines, requires the setback to be the average distance of building setbacks on contiguous lots or parcels, but in no case less than ten (10) feet, while the applicant proposes building lines of eight (8) feet along East Long Street and three (3) feet along North Twenty-First Street; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of no less than five (5) feet, while the applicant proposes a minimum side yard of three (3) feet along the west property; and

**WHEREAS**, Section 3332.29, Height district, requires that no building or structure shall exceed a height of thirty-five (35) feet, while the applicant proposes a maximum building height of thirty-six (36) feet for Building A and 36.5 feet for Building B; and

**WHEREAS**, Section 3332.30, Vision clearance, requires that a clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to encroach into the clear vision triangle for Building B at the intersection of East Long Street and North Twenty-First Street as shown on the site plan; and

**WHEREAS**, the Near East Area Commission recommends **disapproval of the request because the stipulation that if any brick in the alley is disturbed, that the brick be saved and reinstalled to the current alley elevation cannot be met. The existing alley is surfaced with asphalt, and the Department of Public Service will not approve the alley being returned to brick for this short segment; and**

**WHEREAS**, City Departments recommend approval because the requested Council variance will allow a seven-unit multi-family residential development that is consistent with the land use and residential design recommendations of *The Near East Area Plan* (2005). A hardship exists because there is no zoning district that allows both a five-unit apartment and 2-unit dwelling on one lot, and the configuration of the site having two street frontages poses challenges for compliance with yard and setback requirements; 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**, **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**, the granting of said variance will alleviate the difficulties encountered by the owners of the property located at **1072 EAST LONG STREET (43203)**, 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 3332.037, R-2F, Residential District; 3312.49, Minimum number of parking spaces required; 3332.14, R-2F Area District Requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; 3332.29, Height district; and 3332.30, Vision clearance, of the Columbus City Codes, is hereby granted for the property located at **1072 EAST LONG STREET (43203)**, insofar as said sections prohibit a five-unit apartment building and a two-unit dwelling on one lot, with a reduction in the required number of parking spaces from eleven (11) spaces to seven (7) spaces, only 1,351± square feet of lot area per dwelling unit, reduced building lines of eight (8) feet along East Long Street and three (3) feet along North Twenty-First Street, a reduced minimum side yard from five (5) feet to three (3) feet along the west property line, an increased building height of thirty-six (36) feet for Building A and 36.5 feet for Building B, and encroachment of Building B in the clear vision triangle; said property being more particularly described as follows:

**1072 EAST LONG STREET (43203)**, being 0.21± acres located at the northwest corner of East Long Street and North Twenty-First Street, and being more particularly described as follows:

The following described real estate is situated in the County of Franklin, in the State of Ohio, and the in the City of Columbus, and bounded and described as follows:

Being Lot Number Eight (8) and Nine (9) of HENRY E. GILL'S SUBDIVISION of part of Half Section Number 13, Township Number 5, Range Number 22, Refugee Lands, as an Addition to said City of Columbus, Ohio, as the same are numbered and

delineated upon the recorded plat of said Addition, of record in Plat Book Number 2, page 332, Recorder's Office, Franklin County, Ohio.

Said premises also known as 1072 E. Long Street, Columbus, Ohio 43203

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**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two (2) four-family dwellings and one (1) two-family dwelling on one lot, or those uses permitted in the R-2F, Residential District.

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan and elevation drawings titled, "**LONG STREET TOWHHOUSES SITE PLAN,**" and "**LONG STREET TOWHHOUSES ZONING EXTERIOR ELEVATIONS,**" both drawn by Sullivan Bruck Architects, dated June 9, 2010, and signed Joseph W. Sullivan, Architect. The plans 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 adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services 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 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.**