



City of Columbus

Office of City Clerk
90 West Broad Street
Columbus OH 43215-9015
columbuscitycouncil.org

Legislation Text

File #: 1209-2005, **Version:** 2

Council Variance: CV05-011

APPLICANT: Concept One MAAT LLC; c/o Jill S. Tangeman, Atty.; Plank and Brahm; 145 East Rich Street; Columbus, OH 43215.

PROPOSED USE: Two-family dwelling and carriage house.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This variance will allow the applicant to rehabilitate a two-family dwelling, carriage house and garage that are located on the same lot. All of these buildings have been in disrepair for some time and there are numerous code violations. The applicant does not intend to alter the exterior of the two-family dwelling and will restore ground level parking in the carriage house. The site has sufficient parking for the three dwelling units. The proposed land-use is consistent with the *Near East Area Plan* (1995). A hardship exists in that a two-family dwelling and a carriage house not connected by habitable space are not permitted on the same lot in the R-2F, Residential District. Additional variances to development standards are requested to reduce minimum side yard and to eliminate required rear yard in order to address the location of existing buildings.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District Use; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, for the property located at **63 NORTH MIAMI AVENUE (43203)**, to permit a two-family dwelling and carriage house with reduced development standards on the same lot zoned in the R-2F, Residential District **and to declare an emergency.** (Council Variance CV05-011)

WHEREAS, by application No. CV05-011, the owners of property at **63 NORTH MIAMI AVENUE (43203)**, are requesting a Council Variance to permit a two-family dwelling and a carriage house on the same lot zoned in the R-2F, Residential District with reduced development standards; and

WHEREAS, Section 3332.037, R-2F, Residential District Use, permits one single-family or two-family dwelling on a lot, while the applicant proposes a two-family dwelling and carriage house on the same lot; 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 continue to proceed immediately with rehabilitation of the property for the immediate preservation of the public peace, property, health and safety; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five (5) feet, while the applicant proposes a minimum side yard of approximately three (3±) feet to accommodate the existing two-family dwelling; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25% of the total lot area, while the applicant proposes to eliminate rear yard to retain the existing carriage house; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval and note that a hardship exists because the non-conforming nature of the site precludes financing options and the existing two-family dwelling and carriage house are long established on this lot and these land-uses are consistent with the *Near East Area Plan* (1995) and 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 **63 NORTH MIAMI AVENUE (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 is granted from the provisions of Sections 3332.037, R-2F, Residential District Use; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, for the property located at **63 NORTH MIAMI AVENUE (43203)**, to permit a two-family dwelling and carriage house on the same lot with a minimum side yard of approximately three (3±) feet and no rear yard in the R-2F, Residential District; said property being more particularly described as follows:

LEGAL DESCRIPTION FOR 63 NORTH MIAMI AVENUE

Situated in the State of Ohio, Councy of Franklin and in the City of Columbus:

Being Lots Numbered Nine (9) and Ten (10) in HAYDEN BAKER AND BROWN'S ADDITION, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, page 208, 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 and a carriage house, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the registered site plan only (Third Floor Plan shown on drawing is not committed- to) titled, "**CONVERT EXISTING BUILDINGS TO CONDOMINIUM, 69 MIAMI AVENUE**," signed on June 22, 2005, 2005 by Jill Tangeman, attorney for the applicant. Any minor revision(s) to said site plan are subject to review and approval by the Director of Development Department, or his or her designee.

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.**