



# City of Columbus

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

## Legislation Text

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**File #: 1163-2007, Version: 2**

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### **Council Variance Application: CV07-030**

**APPLICANT:** City of Columbus Department of Development; c/o A. Robert "Tony" Hutchins, Atty; 750 East Long Street, Columbus, OH 43203.

**PROPOSED USE:** Town house style dwellings.

### **NEAR EAST AREA COMMISSION RECOMMENDATION:**

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The applicant seeks a Council variance to allow twenty-eight town house style dwellings arranged in four separate buildings in the R-2F and R-4 Residential Districts. The proposal is consistent with the *Near East Area Plan* (2006) which calls for Higher Density Residential/Mixed Use Development at this location and also calls for revitalization and redevelopment of this area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, Residential District; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.38, Private garage, of the Columbus City Codes for the property located at **777 MOUNT VERNON AVENUE (43203)**, to permit twenty-eight town house style dwellings in the R-2F, Residential and R-4, Residential Districts with reduced development standards. (Council Variance #CV07-030) **(AMENDED BY ORD. 0284-2009 PASSED 4/6/2009)**

**WHEREAS**, by application No. CV07-030 the owner of property at **777 MOUNT VERNON AVENUE (43203)**, is requesting a Council Variance to permit town house style dwellings in the R-2F, Residential District.; and

**WHEREAS**, Section 3332.037, R-2F, Residential District Use, permits only one two-family dwelling or one single-family dwelling on one lot in the R-2F, Residential District while the applicant proposes a total of twenty-eight dwelling units in four buildings; and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires lots to be no less than fifty (50) feet in width, while the applicant proposes lot widths as low as twenty (20) feet for no more than twelve units; and

**WHEREAS**, Section 3332.14, R-2F area district requirements requires single-family or other principal buildings to be on a lot of no less than 6,000 square feet per dwelling unit while the proposes to develop lots with as little as 1,100 square feet; and

**WHEREAS**, Section 3332.21, Building lines requires a 25-foot building line, while the applicants proposes a building line as low as sixteen (16) feet along Mount Vernon Avenue, Martin Luther King Boulevard and along Hamilton Avenue; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted requires side yards to be no less than three (3) feet in width, while the applicant proposes side yard widths of zero (0) feet for no more than twelve units; and

**WHEREAS**, Section 3332.27, Rear yard, requires a principal building to provide a rear yard totaling no less than twenty-five (25) percent of the total lot area, while the applicant proposes rear yards as comprising as low as of 19% of the total lot area; and

**WHEREAS**, Section 3332.38, Private garage, requires that garages comprise no more than 720 square feet or 45% of the rear yard while the applicant proposes 2 banks of garages with six bays each comprising approximately 1300 square feet; and

**WHEREAS**, the Near East Area Commission recommends **approval**; and

**WHEREAS**, the City Departments recommend approval and note that the proposal is consistent with the *Near East Area Plan* (2006), which calls for Higher Density Residential/Mixed Use Development at this location and also calls for revitalization and redevelopment of 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 **777 MOUNT VERNON 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 from the provisions of Sections 3332.037, R-2F, Residential District; 3332.05, Area district lot width requirements; 3332.14, R-2F area district requirements; 3332.21, Building lines; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; 3332.38, Private garage, of the Columbus City Codes for the property located at **777 MOUNT VERNON AVENUE (43203)**, insofar as said sections prohibits a total of twenty-eight town house style dwellings in four buildings with minimum lot widths of 20 feet, with minimum lot sizes of 1,100 square feet, with minimum side yards of zero feet, sixteen foot building lines along Mount Vernon Avenue, Martin Luther King Boulevard and along Hamilton Avenue, with minimum rear yards comprising 19% and with garages as large as 1,300 square feet, said property being more particularly described as follows:

Legal Description

The following described immovable property together with all buildings and improvement thereon:

Situated in the City of Columbus, County of Franklin, State of Ohio, bounded and described as follows:

Being part of Lot Number Two Hundred Thirty Six (236) EAST PARK PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, pages 61-62, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at a point in the east lien of Hamilton Avenue at the southwest corner of said Lot. No. 236: thence with the east line of Hamilton Avenue and the west line of said Lot No. 236 northerly to the northwest corner of said Lot No. 247 of said subdivision: thence along the north line of said Lot No. 236 easterly seventy-six (76) feet to a point; thence southerly across said Lot No. 236 along a lien parallel to the west line of said Lot. No. 236 to a point in the south line of said Lot. No. 236; thence along the south line of said Lot No. 236 easterly seventy-six (76) feet to the point of beginning.

Being Lot No. Two Hundred Forty Seven (247) of EAST PARK PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, or record in Plat Book 2, Page 61, Recorder's Office, Franklin County, Ohio: EXCEPTING THEREFROM: that part of said Lot NO. 247 included in the description of premises conveyed by Herman B. Henry and Nell E. Henry, his wife, to Othello Showers, by deed dated December 22, 1952, recorded December 24, 1952, in Deed Book 1719, Page 463, Recorder's Office, Franklin County, Ohio, said part of Lot No. 247 conveyed to Othello Showers being bounded and described as follows:

Beginning as a point in the south line of Lot No. 247, said point being 76 feet Easterly measured along the south line of said lot from its southwest corner; thence Northerly, parallel to the west line of said lot, a distance of 3.12 feet to a point, thence Easterly, parallel with the south line of said Lot No. 247, a distance of 12.6 feet to a point, thence Northerly, parallel with the west line of said Lot No.

247, a distance of 22.127 feet to a point in the east line of said lot; thence Southerly with the east line of said Lot No. 247, along the west line of a 20 feet alley, to a point at the southeast corner of said Lot No.247; thence Westerly with the south line of Lot No. 247, to the place of beginning.

Being Lots Numbers 250, 261, 264, 274, 275, 303, 304, 305, 306, 307, 308 and 309 of EAST PARK PLACE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, Or record in Plat Book 2, Pages 61, 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 no more than 28 town house style dwellings or those uses permitted in the R-2F, 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.