



# City of Columbus

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

## Legislation Text

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**File #: 0775-2005, Version: 1**

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**Council Variance Application: CV05-005**

**APPLICANT:** New Victorians, Inc.; c/o Connie J. Klema, Atty.; P.O. Box 991; Pataskala, Ohio 43062.

**PROPOSED USE:** Two five-unit apartment buildings.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The subject site is comprised of two separate tax parcels, each of which is developed with a non-conforming five-unit apartment building. The existing apartment units are only 420 square feet each. The requested variance would conform the existing buildings, allowing a second-story addition to incorporate a 525 square-foot expansion to each unit in the R-4, Residential District. A Council variance is required because the R-4, Residential District permits a maximum of four dwelling units in one building. The applicant requests variances for existing conditions, including lot coverage, front setbacks, rear yard, and minimum number of required parking spaces. A hardship exists in that a variance is necessary to renovate the existing buildings to allow a more adequate living area for the residents while improving the architecture and design of the buildings that better reflect the character of neighboring homes.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential district; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces required of the Columbus City codes; for the properties located at **1088 & 1096 PERRY STREET (43201)**, to permit two existing five-unit apartment buildings on two separate parcels with reduced development standards in the R-4, Residential District (Council Variance # CV05-005).

**WHEREAS**, by application #CV05-005, the owner of the properties at **1088 & 1096 PERRY STREET (43201)**, is requesting a Variance to permit two existing five-unit apartment buildings on two separate parcels with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential district, permits a maximum of four dwelling units in one building, while the applicant proposes to make conforming and expand both of the five-unit apartment buildings with a second-story addition; and

**WHEREAS**, Section 3332.18, Basis of computing area, requires that no dwelling shall occupy alone or together with any other building greater than fifty (50) percent of the lot area, while the applicant proposes to maintain a 54.1% lot coverage for the existing buildings and parking lot on each parcel; and

**WHEREAS**, Section 3332.21, Building lines, requires the setback to be twenty-five (25) feet, while the applicant proposes to maintain building lines of 15.8 feet for each building; 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 to maintain no rear yard for the existing buildings and parking lot on each parcel; and

**WHEREAS**, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, or ten (10) spaces for each building, while the applicant proposes to maintain four (4) spaces for 1088 Perry Street and five (5) spaces for 1096 Perry Street; and

**WHEREAS**, this variance will permit two existing five-unit apartment buildings with reduced development standards in the R-4, Residential District; and

**WHEREAS**, City Departments recommend approval and note a hardship exists because the subject site is comprised of two separate tax parcels, each of which is developed with a non-conforming five-unit apartment building. The existing apartment units consist of

420 square feet each. The requested variance would conform the existing buildings, allowing a second-story addition to incorporate a 525 square-foot expansion to each unit in the R-4, Residential District. A Council variance is required because the R-4, Residential District permits a maximum of four dwelling units in one building. The applicant requests variances for existing conditions, including lot coverage, front setbacks, rear yard, and minimum number of required parking spaces. The variance is necessary to renovate the existing buildings to allow a more adequate living area for the residents while improving the architecture and design of the buildings that better reflect the character of neighboring homes; 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 **1088 & 1096 PERRY 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 a variance from the provisions of Sections 3332.039, R-4, residential district; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.27, Rear yard; and 3342.28, Minimum number of parking spaces required; of the Columbus City codes; for the properties located at **1088 & 1096 PERRY STREET (43201)**, insofar as said sections prohibit a five-unit apartment building, with a 54.1% lot coverage, a 15.8 foot building setback, no rear yard, and a parking space reduction from 10 spaces to 4 spaces for 1088 Perry Street and from 10 spaces to 5 spaces for 1096 Perry Street; said properties being more particularly described as follows:

**1088 & 1096 PERRY STREET (43201)**, being 0.25± acres located on the east side of Perry Street, 141± feet north of West Second Avenue, and being more particularly described as follows:

**Parcel One**  
**010-036588**  
**1088 Perry Street**

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

Being Lot Number Twenty (20) and the south one-half of Lot Number Nineteen (19) of HENRY M. NEIL'S SUBDIVISION of Lot Number 2 of the subdivision of lands made by the executors of William Neil, deceased, being part of Half Section 5 and 6 Township No. 5, Range 22, Refugee Lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 160, Recorder's Office, Franklin County, Ohio.

**Parcel Two**  
**010-036586**  
**1096 Perry Street**

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

Being Lot Number Eighteen (18) and the north one-half of Lot Number Nineteen (19) of HENRY M. NEIL'S SUBDIVISION of Lot Number 2 of the subdivision of lands made by the executors of William Neil, deceased, being part of Half Section 5 and 6 Township No. 5, Range 22, Refugee Lands, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 160, 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 properties are used as five-unit apartment buildings, or those uses permitted in the R-4, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site and elevation plans titled, "**PERRY STREET APARTMENTS**," drawn by Behal Sampson Dietz Building Design, dated May 2, 2005,

and signed by Connie J. Klema, Attorney for the Applicant. 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 adjustments to the Plans shall be subject to review and approval by the Director of the Department of Development, or his designee, upon submission of the appropriate data regarding the proposed adjustment.

**SECTION 4.** That this ordinance is further conditioned upon 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.