



Legislation Text

File #: 0956-2012, **Version:** 2

Council Variance Application: CV12-009

APPLICANT: David A. Applegate; c/o Howard Bennett, Agent; 90 Brickel Street; Columbus, OH 43215.

PROPOSED USE: Two single-unit dwellings on one lot.

ITALIAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested variance will conform two existing single-unit dwellings (70 East Fourth Avenue and 1153 Say Avenue) on one lot in the R-4, Residential District. The R-4, Residential District allows up to four units in one dwelling, but does not permit two separate dwellings on one lot. Variances to make existing conditions conforming, including minimum lot size, lot coverage, building setbacks, side yards, rear yard, and minimum number of required parking spaces, are included in the request. A hardship exists because the non-conforming nature of the site precludes financing options and prevents the owner from selling the property. Both dwellings have been long established on this lot, and this arrangement is consistent with carriage house development proposals that have been approved in historic neighborhoods. Approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.039, R-4, residential district; 3312.49, Minimum number of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18 (D), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the City of Columbus codes, for the property located at **70 EAST FOURTH AVENUE (43201)**, to conform two existing single-unit dwellings on one lot with reduced development standards in the R-4, Residential District **and to declare an emergency** (Council Variance # CV12-009).

WHEREAS, by application No. CV12-009, the owner of property at **70 EAST FOURTH AVENUE (43201)**, is requesting a Council Variance to permit two existing single-family dwellings on one lot with reduced development standards in the R-4, Residential District; and

WHEREAS, Section 3332.039, R-4, residential district, requires a separate lot for each principal use, while the applicant proposes to make two existing single-unit dwellings on the same lot conforming; and

WHEREAS, Section 3312.49, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, or a total of four (4) parking spaces, while the applicant proposes to maintain one (1) parking space; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-4, Residential District, while the applicant proposes to maintain a lot width of twenty-seven (27) feet; and

WHEREAS, Section 3332.15, R-4 area district requirements, requires each single-unit dwelling to have a lot of no less than 5,000 square feet, while the applicant proposes two existing single-unit dwellings on one 2,700 square foot lot; and

WHEREAS, Section 3332.18(D), 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 a lot coverage of approximately fifty-nine (59) percent by both dwellings; 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 to maintain building lines of approximately 4.7 feet along East Fourth Avenue and zero (0) feet along Say Avenue; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be 5.4 feet, while the applicant proposes to maintain a maximum side yard of approximately three feet (3'); and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of three (3) feet, while the applicant proposes to maintain no side yard for 1153 Say Avenue along the north property line; 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 1153 Say Avenue, and approximately fifteen (15) percent for 70 East First Avenue; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, the City Departments recommend approval because this request will not add a new or incompatible use to the area. Both dwellings have been long established on this lot, and this arrangement is consistent with carriage house development proposals that have been approved in historic neighborhoods; 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 **70 EAST FOURTH AVENUE (43201)**, in using said property as desired;

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; 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; 3312.49, Minimum number of parking spaces required; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City codes, is hereby granted for the property located at **70 EAST FOURTH AVENUE (43201)**, insofar as said sections prohibit two single-unit dwellings with only one parking space on a lot that is twenty-seven (27) feet wide and 2,700 square feet in size, with fifty-nine (59) percent lot coverage, reduced building lines of approximately 4.7 feet along East Fourth Avenue and zero (0) feet along Say Avenue, a reduced maximum side yard of approximately three (3) feet, no minimum side yard along the north property line for 1153 Say Avenue, a reduced rear yard of approximately fifteen (15) percent for 70 East Fourth Avenue, and no rear yard 1153 Say Avenue; said property being more particularly described as follows:

70 EAST FOURTH AVENUE (43201), being 0.06± acres located at the northwest corner of East Fourth Street and Say Avenue, and being more particularly described as follows:

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

Being Lot Number Ten (10) of HOGAN & WARDAN's SUBDIVISION of Lot No. 40 in WM. G. DESHLER'S AMENDED ADDITION TO WM. PHELAN'S MT. PLEASANT ADDITION to said City, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 355, Recorder's Office, Franklin County, Ohio.

Commonly Known As: 70 East Fourth Avenue and 1153 Say Avenue, Columbus, OH 43201
Parcel Number 010-036868

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings, or those uses permitted in the R-4, Residential District.

SECTION 3. ~~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.