



Legislation Details (With Text)

File #: 0474-2014 **Version:** 2

Type: Ordinance **Status:** Passed

File created: 2/18/2014 **In control:** Zoning Committee

On agenda: 3/10/2014 **Final action:** 3/13/2014

Title: To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at 915-917 OAK STREET (43205), to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District and to declare an emergency (Council Variance # CV14-002).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0474-2014Attachments, 2. Notice Of Public Hearing - Council Mtg20140310

Date	Ver.	Action By	Action	Result
3/13/2014	2	CITY CLERK	Attest	
3/12/2014	2	MAYOR	Signed	
3/10/2014	2	COUNCIL PRESIDENT	Signed	
3/10/2014	1	Zoning Committee	Approved as Amended	Pass
3/10/2014	1	Zoning Committee	Amended to Emergency	Pass
3/3/2014	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV14-002

APPLICANT: Bernard Frankl; 917 Oak Street; Columbus, OH 43205.

PROPOSED USE: Two-unit dwelling.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The requested Council variance will conform an existing two-unit dwelling in the R-3, Residential District. Variances for the property's existing yard and area standards are included in the request. The applicant is also requesting to increase the height of the detached garage from twenty-one (21) feet to twenty-eight (28) feet for a gabled roof to more closely reflect the architectural style of the surrounding neighborhood. A Council variance is necessary in that a two-unit dwelling is not a permitted use in the R-3, Residential District. The site was part of an area-wide City-sponsored rezoning that rendered the use non-conforming, and site is located within the boundaries of the *Near East Area Plan* (2005), which includes a number of recommendations supportive of new and renovated housing. A hardship exists because the non-conforming nature of the site precludes financing options and prevents the owner from making improvements to the structures. The two-unit dwelling has been long established on this lot and is consistent with existing development in the surrounding residential neighborhood. Approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes; for the property located at **915-917 OAK STREET (43205)**, to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District **and to declare an emergency** (Council Variance # CV14-002).

WHEREAS, by application No. CV14-002, the owner of property at **915-917 OAK STREET (43205)**, is requesting a Council Variance to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3, Residential District, prohibits two-unit dwellings, while the applicant proposes to maintain and conform an existing two-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires two (2) parking spaces per dwelling unit, totaling four (4) required spaces, while the applicant proposes to maintain three (3) garage parking spaces; 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 61.4 percent lot coverage with the existing dwelling and detached garage; and

WHEREAS, Section 3332.21, Building lines, requires the setback to be that distance as determined where the line which connects the front of the nearest building on either side of the subject parcel, bisects the subject parcel, but in no case less than ten (10) feet, while the applicant proposes to maintain a building line of zero (0) feet along Oak Street; and

WHEREAS, Section 3332.25, Maximum side yard required, requires the sum of the widths of each side yard to equal twenty (20) percent of the lot width, or eight (8) feet for a lot width of forty (40) feet, while the applicant proposes to maintain an existing maximum side yard of 7.3± feet for the dwelling; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet for two-unit dwellings, while the applicant proposes to maintain existing minimum side yards of 3.0± feet along the west property line and 4.3± feet along the east property line; and

WHEREAS, Section 3332.38(G), Private garage, requires a detached garage to be a maximum height of fifteen (15) feet, while the applicant proposes to increase the height of the existing garage from twenty-one (21) feet to twenty-eight (28) feet to accommodate a gabled roof; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because this request will not add a new or incompatible use to the area. This request will conform an existing two-unit dwelling in the R-3, Residential District. The site was part of an area-wide City-sponsored rezoning that rendered the use non-conforming. The two-unit dwelling has been long established on this lot, and is consistent with existing development in the surrounding residential neighborhood; and

WHEREAS, said ordinance requires separate submission for all applicable permits for the proposed garage roof construction; 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 **915-917 OAK STREET (43205)**, in using said property as desired; 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; now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:

SECTION 1. That a variance from the provisions of Sections 3332.035, R-3, Residential District; 3312.49, Minimum numbers of parking spaces required; 3332.18, Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; and 3332.38(G), Private garage, of the Columbus City Codes, is hereby granted for the property located at **915-917 OAK STREET (43205)**, insofar as said sections prohibit a two-unit dwelling, with three (3) parking spaces, an increased maximum lot coverage of 61.4 percent, a reduced building line of zero (0) feet along Oak Street, a reduced maximum side yard of 7.3± feet, a reduced minimum side yard of 3.0± feet along the west property line and 4.3± feet along the east property line, and an increased detached garage height to twenty-eight (28) feet; said property being more particularly described as follows:

915-917 OAK STREET (43205), being 0.13± acres located on the south side of Oak Street, 130± feet east of South Eighteenth Street, and being more particularly described as follows:

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

Being Lot Number Thirty-Five (35) of Mitchell, Watson and Hoffman's Amended Plat of Mitchell, Watson and Morrison's Addition, as the same is numbered and delineated upon the Recorded Plat thereof, of record in Plat Book 2, Page 164, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-010784

Commonly known as 915-917 Oak Street, Columbus, OH 43205

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-unit dwelling, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits for the proposed garage roof construction.

~~**SECTION 4.** 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.