



Legislation Details (With Text)

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On agenda: 7/25/2016 **Final action:** 7/26/2016

Title: To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.15, R-4 area district requirements; 3332.21(B), Building lines; 3332.25(B), Maximum side yards required; 3332.26 (C)(3), Minimum side yard permitted; 3372.542, Maximum lot coverage; 3372.543, Building lines; and 3372.544, Maximum floor area, of the Columbus City codes; for the property located at 154 EAST FIFTH AVENUE (43201), to conform a fifteen-unit apartment building and a two-unit dwelling on the same lot with reduced development standards in the R-4, Residential District (Council Variance # CV15-042).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD1916-2016.Attachments

Date	Ver.	Action By	Action	Result
7/26/2016	1	CITY CLERK	Attest	
7/26/2016	1	ACTING MAYOR	Signed	
7/25/2016	1	COUNCIL PRESIDENT	Signed	
7/25/2016	1	Zoning Committee	Approved	Pass
7/18/2016	1	Columbus City Council	Read for the First Time	

Council Variance Application: CV15-042

APPLICANT: Victorian Heritage Homes LLC, c/o Donald Plank; Plank Law Firm; 145 East Rich Street, 3rd Floor; Columbus, OH 43215.

PROPOSED USE: To conform a fifteen-unit apartment building and a two-unit dwelling on the same lot.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is currently developed with a fifteen-unit apartment building and a two-unit dwelling on the same lot zoned in the R-4, Residential District. The requested Council variance will bring the existing dwellings and parcel into conformity. The Council variance is necessary because the R-4, Residential District does not permit more than four dwelling units in one building, nor does it permit two separate buildings containing dwelling units on one parcel. Variances to conform required parking spaces, vision clearance, area district requirements, lot coverage, building lines, and side yards are included in the request. Additionally, variances are requested to conform maximum lot coverage, building lines, and maximum floor area ratio from the development standards of the University Area Planning Overlay, which are generally more restrictive than the underlying R-4, Residential District. The site is located within the boundaries of the *University District Plan* (2015), which recommends neighborhood mixed uses for this location, which is supportive of a mix of land uses, including retail, office, and multi-unit residential uses. The Plan also recommends preserving existing contributing buildings. Staff finds the proposal will

not add incompatible uses to this historically urban neighborhood as the dwelling units have existed for many years, and are contained within contributing buildings.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.15, R-4 area district requirements; 3332.21(B), Building lines; 3332.25(B), Maximum side yards required; 3332.26(C)(3), Minimum side yard permitted; 3372.542, Maximum lot coverage; 3372.543, Building lines; and 3372.544, Maximum floor area, of the Columbus City codes; for the property located at **154 EAST FIFTH AVENUE (43201)**, to conform a fifteen-unit apartment building and a two-unit dwelling on the same lot with reduced development standards in the R-4, Residential District (Council Variance # CV15-042).

WHEREAS, by application No. CV15-042, the owner of property at **154 EAST FIFTH AVENUE (43201)**, is requesting a Council variance to conform a fifteen-unit apartment building and a two-unit dwelling on the same 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 principle use, and does not permit more than four dwelling units in one building, while the applicant proposes to maintain a fifteen-unit apartment building and a two-unit dwelling on the same lot; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 1.5 parking spaces per dwelling unit, a total requirement of 26 spaces for 17 units, while the applicant proposes to maintain 13 parking spaces; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires that a 30 foot right angle clear vision triangle shall be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to maintain a 9 feet by 9 feet clear vision triangle at the intersection of East Fifth Avenue and Hamlet Street as shown on the site plan; and

WHEREAS, Section 3332.15, R-4 area district requirements, no less than 2,500 square feet per dwelling, while the applicant proposes to maintain 17 dwelling units on a 22,130± square foot lot (1,300± square feet per dwelling unit); and

WHEREAS, Section 3332.21(B), Building lines, requires a minimum distance from the street property line of 60 feet along East Fifth Avenue and 25 feet along Hamlet Street, while the applicant proposes to maintain reduced building lines of 21 feet along East Fifth Avenue and 0 feet along Hamlet Street for 138-166 East Fifth Avenue, and 12 feet along Hamlet Street for 1193-1195 Hamlet Street; and

WHEREAS, Section 3332.25(B), Maximum side yards required, requires the sum of the widths of the side yards to be 20 percent of the lot width, while the applicant proposes to maintain a reduced maximum side yard from 16 to 0 feet for the East Fifth Avenue frontage; and

WHEREAS, Section 3332.26(C)(3), Minimum side yard permitted, requires a minimum side yard of 5 feet, while the applicant proposes to maintain a side yard of 0 feet on the west side of the property and a side yard of 0.75 feet on the north side of the property; and

WHEREAS, Section 3372.542, Maximum lot coverage, requires that a building or combination of buildings shall cover no more than 25 percent of the lot area, while the applicant proposes to maintain 42 percent lot coverage by the existing buildings; and

WHEREAS, Section 3372.543, Building lines, requires a minimum distance from the street property line of 60 feet along East Fifth Avenue and 25 feet along Hamlet Street, while the applicant proposes to maintain reduced building lines of 21 feet along East Fifth Avenue and 0 feet along Hamlet Street for 138-166 East Fifth Avenue, and 12 feet along Hamlet Street for 1193-1195 Hamlet Street; and

WHEREAS, Section 3372.544, Maximum floor area, requires a maximum calculated floor area ratio (F.A.R) of not greater than 0.40, while the applicant proposes to maintain a floor area ratio of 1.2; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because the existing development is consistent with the land use recommendations of the *University District Plan* for neighborhood-mixed uses and for preserving existing contributing buildings. The proposal will not add incompatible uses to this historically urban neighborhood; 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 owner of the property located at **154 EAST FIFTH AVENUE (43201)**, 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 3332.039, R-4, Residential District; 3312.49(C), Minimum numbers of parking spaces required; 3321.05(B)(2), Vision clearance; 3332.15, R-4 area district requirements; 3332.21 (B), Building lines; 3332.25(B), Maximum side yards required; 3332.26(C)(3), Minimum side yard permitted; 3372.542, Maximum lot coverage; 3372.543, Building lines; and 3372.544, Maximum floor area, of the Columbus City Codes, is hereby granted for the property located at **154 EAST FIFTH AVENUE (43201)**, insofar as said sections prohibit a fifteen-unit apartment building and a two-unit dwelling on the same lot in the R-4, Residential District; with a parking space reduction from 26 to 13 spaces; reduced clear vision triangle of 9 feet by 9 feet at the intersection of East Fifth Avenue and Hamlet Street; a reduction in lot area per dwelling unit from 2,500 to 1,300± square feet; reduced building lines of 21 feet along East Fifth Avenue and 0 feet along Hamlet Street for 138-166 East Fifth Avenue, and 12 feet along Hamlet Street for 1193-1195 Hamlet Street; reduced maximum side yard from 16 to 0 feet for the East Fifth Avenue frontage; reduced minimum side yards from 5 feet to 0 foot along the west property line and 0.75 foot along the north property line; an increased maximum lot coverage from 25 to 42 percent; and an increased floor area ratio of 1.2 where 0.40 is required; said property being more particularly described as follows:

154 EAST FIFTH AVENUE (43201), being 0.51± acres located at the northwest corner of East Fifth Avenue and Hamlet Street, 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 Lots Numbered Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36), RIDDLE'S SECOND SUBDIVISION of Lots Numbered One (1), Nineteen (19), Twenty (20) and Twenty-one (21) of John Hyer's Amended Subdivision of Lot Number Six (6) of Stevenson Heir's Subdivision of the Fourth Quarter of Township Number 1, Range 18, U.S. Military Lands, as said lots are numbered and delineated upon the recorded plat of said subdivision, of record in Plat Book 7, page 164, Recorder's Office, Franklin County, Ohio, EXCEPT .85 feet off the West Side of said Lot Number Thirty (30).

Parcel No: 010-037298

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a fifteen-unit apartment building and a two-unit dwelling on the same lot, or those uses permitted in the R-4, Residential

District.

SECTION 3. That this ordinance is further conditioned on substantial compliance with the plan titled, "**SITE PLAN**," signed by Donald Plank, Attorney for the Applicant, dated June 24, 2016. The plan 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 adjustment to the plan shall be reviewed and may be approved by the Director of the Department of Building and Zoning Services, or a designee, upon submission of the appropriate data regarding the proposed adjustment.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.