



## Legislation Details (With Text)

**File #:** 1043-2017      **Version:** 2

**Type:** Ordinance      **Status:** Passed

**File created:** 4/12/2017      **In control:** Zoning Committee

**On agenda:** 5/1/2017      **Final action:** 5/4/2017

**Title:** To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3321.05(A)(2) and (B)(2), Vision clearance; and 3332.21(C) and (D), Building lines, of the Columbus City codes; for the property located at 1474 FAIRVIEW AVENUE (43212), to permit three single-unit dwellings on one lot with reduced development standards in the R-4, Residential District (Council Variance # CV16-082) and to declare an emergency.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD1043-2017\_Attachments, 2. ORD1043-2017\_Labels

Date	Ver.	Action By	Action	Result
5/4/2017	2	CITY CLERK	Attest	
5/3/2017	2	MAYOR	Signed	
5/1/2017	2	COUNCIL PRESIDENT	Signed	
5/1/2017	1	Zoning Committee	Amended to Emergency	Pass
5/1/2017	1	Zoning Committee	Approved as Amended	Pass

### Council Variance Application: CV16-082

**APPLICANT:** Terry O'Keefe; c/o Donald Plank, Atty.; Plank Law Firm; 423 East Town Street, 2<sup>nd</sup> Floor; Columbus, OH 43215.

**PROPOSED USE:** Three single-unit dwellings on one lot.

**FIFTH BY NORTHWEST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one lot developed with a two-unit dwelling zoned in the R-4, Residential District. The requested Council variance proposes to remove the existing two-unit dwelling and construct three new 1,800 square-foot single-unit dwellings with attached two-car garages. A variance is necessary because the R-4, Residential District allows a maximum of four units in one dwelling, but does not permit three separate dwellings on one lot. In addition to the use variance, variances for reduced vision clearance and building lines are also included in the request. The site is within the planning area of the *Fifth by Northwest Neighborhood Plan* (2009), which recommends single- or two-unit dwellings for this location. Since the R-4 district permits up to four units, staff has no objections to three separate single-unit dwellings on this lot. The requested variance is consistent with the land use recommendation of the *Fifth by Northwest Neighborhood Plan*, and will allow development that is characteristic of urban Columbus neighborhoods.

To grant a Variance from the provisions of Sections 3332.039, R-4, Residential District; 3321.05(A)(2) and (B)(2), Vision

clearance; and 3332.21(C) and (D), Building lines, of the Columbus City codes; for the property located at **1474 FAIRVIEW AVENUE (43212)**, to permit three single-unit dwellings on one lot with reduced development standards in the R-4, Residential District (Council Variance # CV16-082) **and to declare an emergency.**

**WHEREAS**, by application # CV16-082, the owner of the property at **1474 FAIRVIEW AVENUE (43212)**, is requesting a Variance to permit three single-unit dwellings on one lot with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3332.039, R-4, Residential district, allows a maximum of four units in one dwelling but does not permit three dwellings on one lot, while the applicant proposes to build three detached single-unit dwellings as shown on the attached site plan; and

**WHEREAS**, Section 3321.05(A)(2) and (B)(2), Vision clearance, requires a clear vision triangle of 12 feet at the intersection of a driveway and the street right-of-way, and that a right angle clear vision triangle of 30 feet to be maintained on each residential lot adjacent to a street intersection, while the applicant proposes to reduce the vision clearance triangles at the intersection of driveways with Ida Avenue to 5 feet, and at the intersection of Fairview Avenue and Ida Avenue to 15 feet; and

**WHEREAS**, Section 3332.21(C) and (D), Building lines, requires the building setback lines along Fairview Avenue to be 25 feet, and along Ida Avenue to be the average distance of building setbacks on contiguous lots, but in no case less than 10 feet, while the applicant proposes building lines of 15 feet along Fairview Avenue, and 5 feet along Ida Avenue; and

**WHEREAS**, the Fifth by Northwest Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area. Since the R-4, Residential District permits up to four units, staff has no objections to three separate single-unit dwellings on this lot. The requested variance is consistent with the land use recommendation of the *Fifth by Northwest Neighborhood Plan*, and will allow development that is characteristic of urban Columbus neighborhoods; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates 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 **1474 FAIRVIEW AVENUE (43212)**, 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 3332.039, R-4, Residential District; 3321.05(A)(2) and (B)(2), Vision clearance; and 3332.21(C) and (D), Building lines, of the Columbus City codes, are hereby granted for the property located at **1474 FAIRVIEW AVENUE (43212)**, insofar as said sections prohibit three single-unit dwellings on

the same lot in the R-4, Residential District; with a reduced vision clearance triangle from 30 feet to 15 feet at the intersection of Fairview Avenue and Ida Avenue; a reduced vision clearance triangle from 12 feet to 5 feet at the intersection of driveways and Ida Avenue; a reduced building setback line along Fairview Avenue from 25 feet to 15 feet; and a reduced building setback line along Ida Avenue from 10 feet to 5 feet; said property being more particularly described as follows:

**1474 FAIRVIEW AVENUE (43212)**, being 0.2± acres located at the southeast corner of Fairview Avenue and Ida Avenue, and being more particularly described as follows:

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

Being 51.6 feet off the north side of Lot Number Twelve (12), in the Croughton and Denmead's Grandview Suburban Subdivision to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 318, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-062682

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

**SECTION 3.** That this ordinance is further conditioned on substantial compliance with the site plan titled, "**NEW SINGLE FAMILY**," dated April 6, 2017, drawn by Kramer Engineers, and signed by Donald Plank, 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 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 is further conditioned on the applicant obtaining all applicable permits and Certificates 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.~~ **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.**