



## Legislation Details (With Text)

**File #:** 1964-2019      **Version:** 1

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

**File created:** 7/8/2019      **In control:** Zoning Committee

**On agenda:** 7/29/2019      **Final action:** 7/31/2019

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; and 3332.26, Minimum side yard permitted, of the Columbus City Code; for the property located at 534-536 OAKWOOD AVE (43205), to permit a three-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV19-040).

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. ORD1964-2019.Attachments, 2. ORD1964-2019.Labels

Date	Ver.	Action By	Action	Result
7/31/2019	1	CITY CLERK	Attest	
7/30/2019	1	MAYOR	Signed	
7/29/2019	1	COUNCIL PRESIDENT	Signed	
7/29/2019	1	Zoning Committee	Approved	Pass
7/22/2019	1	Columbus City Council	Read for the First Time	

### Council Variance Application: CV19-040

**APPLICANT:** Robert Ellis; 1015 East Broad Street, Suite 110; Columbus, OH 43205.

**PROPOSED USE:** Three-unit dwelling.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a two-unit dwelling in the R-3, Residential District. The requested Council variance will permit a three-unit dwelling. The variance is necessary because the R-3 district permits a maximum of two dwelling units in one building. Variances to minimum numbers of parking spaces required, lot width, lot area, and minimum side yard are included in this request. The site is located within the boundaries of the *Near East Area Plan* (2005), which does not contain a land use recommendation for this location. However, the Plan does include design recommendations, and Planning Division Staff is in support of the proposed elevations, as the request has design elements that are compatible with surrounding structures.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; and 3332.26, Minimum side yard permitted, of the Columbus City Code; for the property located at **534-536 OAKWOOD AVE (43205)**, to permit a three-unit dwelling with reduced development standards in the R-3, Residential District

(Council Variance #CV19-040).

**WHEREAS**, by application #CV19-040, the owner of the property at **534-536 OAKWOOD AVE (43205)**, is requesting a Council variance to permit a three-unit dwelling with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, does not permit a three-unit dwelling, while the applicant proposes to convert the existing two-unit dwelling into a three-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 2 parking spaces per residential unit, or 6 parking space for a three-unit dwelling, while the applicant proposes 3 parking spaces; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of fifty (50) feet in the R-3, Residential District, while the applicant proposes to maintain a lot width of 36± feet; and

**WHEREAS**, Section 33332.13, R-3 area district requirements, requires a single-unit dwelling or other principal building to be situated on a lot of no less than 5,000 square feet in area, while the applicant proposes to maintain the existing lot area of 3,948 square feet for the three-unit dwelling; and

**WHEREAS**, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than 5.75 feet, while the applicant proposes to maintain a minimum side yard of 3.5 feet along the south property line for the existing building; and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval of the requested Council variance because the proposed three-unit dwelling is consistent with the design recommendations in the *Near East Area Plan*. Approval of this request will not add incompatible uses to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a 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 **534-536 OAKWOOD AVE (43205)**, 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 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; and 3332.26, Minimum side yard permitted, of the Columbus City Codes, is hereby granted for the property located at **534-536 OAKWOOD AVE (43205)**, insofar as said sections prohibit a three-unit dwelling in the R-3, Residential District; a parking space reduction from 6 required spaces to 3 provided spaces; a reduced lot width from 50 to 36 feet; reduced lot area from 5,000 to 3,948 square feet; and a reduced minimum side yards from 5.75 feet to 3.5 feet; said property being more particularly described as follows:

**534-536 OAKWOOD AVE (43205)**, being 0.13± acres located on the east side of Oakwood Avenue, 165± feet south of

East Fulton Street, and being more particularly described as follows:

Situated in the State of Ohio, in the County of Franklin, in the City of Columbus, being more particularly described as follows:

Being Lot Number Seventeen (17) of Maurice Evans Heirs Oakwood Avenue Subdivision in said City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, Page 191, Recorder's Office, Franklin County, Ohio.

Parcel Number: 010-010159-00

Address: 534-536 Oakwood Avenue, 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 as a three-unit dwelling, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**SITE PLAN/FLOOR PLAN 1,**" and elevations titled "**ELEVATIONS,**" both signed by Rob Ellis, Applicant, and dated June 18, 2019. 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 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 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.