



## Legislation Details (With Text)

**File #:** 1777-2021      **Version:** 2

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

**File created:** 6/24/2021      **In control:** Zoning Committee

**On agenda:** 7/12/2021      **Final action:** 7/15/2021

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.21(B)(3), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3332.25, Maximum side yards required; and 3332.26(F), Minimum side yard permitted, of the Columbus City Codes; for the property located at 1410 & 1414 FAIR AVENUE (43205), to permit an eight-unit apartment building and a three-unit dwelling on the same lot with reduced development standards in the R-3, Residential District, and to declare an emergency. (Council Variance #CV21-043).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD1777-2021\_Attachments, 2. ORD1777-2021\_Labels

| Date      | Ver. | Action By         | Action                | Result |
|-----------|------|-------------------|-----------------------|--------|
| 7/15/2021 | 2    | CITY CLERK        | Attest                |        |
| 7/13/2021 | 2    | MAYOR             | Signed                |        |
| 7/12/2021 | 2    | COUNCIL PRESIDENT | Signed                |        |
| 7/12/2021 | 1    | Zoning Committee  | Waive the 2nd Reading | Pass   |
| 7/12/2021 | 1    | Zoning Committee  | Approved as Amended   | Pass   |
| 7/12/2021 | 1    | Zoning Committee  | Amended to Emergency  | Pass   |

**Council Variance Application: CV21-043**

**APPLICANT:** Erika Gilmore; 12 Highgrove; New Albany, OH 43054.

**PROPOSED USE:** An eight-unit apartment building and a three-unit dwelling on the same lot.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is currently developed with a nonconforming eight-unit apartment building and a two-unit dwelling on one parcel zoned in the R-3, Residential District. A Council variance is necessary because the current zoning district permits only single-unit dwellings, while the applicant proposes to conform the eight-unit apartment building and add a third unit to the two-unit dwelling. The request includes variances to reduce the required number of parking spaces, perimeter parking lot screening, and maximum and minimum side yards. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a land use for this location, but recommends that new housing be consistent with the housing types, density, and development pattern of the neighborhood. City staff supports the request because the eight-unit apartment is existing and the third unit will be added to the two-unit dwelling with no exterior building expansion. The proposal also includes improved parking providing a defined rear yard area for the units and will not add incompatible uses to the area.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.21(B)(3), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3332.25, Maximum side yards required; and 3332.26 (F), Minimum side yard permitted, of the Columbus City Codes; for the property located at **1410 & 1414 FAIR AVENUE (43205)**, to permit an eight-unit apartment building and a three-unit dwelling on the same lot with reduced development standards in the R-3, Residential District, **and to declare an emergency.** (Council Variance #CV21-043).

**WHEREAS**, by application #CV21-043, the owner of the property at **1410 & 1414 FAIR AVENUE (43205)**, is requesting a Variance to permit an eight-unit apartment building and a three-unit dwelling on the same lot with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, lists single-unit dwellings as the only permitted residential use, while the applicant proposes to maintain and conform an eight-unit apartment building and add a third unit to a two-unit dwelling; and

**WHEREAS**, Section 3312.21(B)(3), Landscaping and screening, requires screening of a parking lot that is within eighty feet of residentially zoned property, while the applicant proposes landscaping on the east and west sides of the proposed parking lot, but not compliant with the requirements of Section 3312.21; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 18 parking spaces for an eight-unit apartment building and a three-unit dwelling, while the applicant proposes a total of eight parking spaces; and

**WHEREAS**, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal a minimum of 20 percent of the lot width, which is 14.4 feet, while the applicant proposes to maintain a total side yard of 6.6 feet; and

**WHEREAS**, Section 3332.26(F), Minimum side yard permitted, requires a side yard that is one-sixth of the height of a building that exceeds two and one half stories, or 5.83 feet for a 35-foot building, while the applicant proposes to maintain a 1.4 foot side yard on the west side of the parcel; and

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

**WHEREAS**, City Departments recommend approval of the requested Council variance because the eight-unit apartment is existing and the third unit will be added to the two-unit dwelling with no exterior building expansion. The proposal also includes improved parking providing a defined rear yard area for the units and 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 three-unit dwelling; 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 **1410 & 1414 FAIR AVENUE (43205)**, in using said property as desired;

**WHEREAS**, an emergency exists in the daily operations of the City of Columbus in that it is immediately necessary to grant this variance to prevent further delay of the renovation project and restore a vacant property in the city, now, therefore:

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

**SECTION 1.** That a variance is hereby granted from the provisions of Sections 3332.035, R-3 residential district; 3312.21(B)(3), Landscaping and screening; 3312.49, Minimum numbers of parking spaces required; 3332.25, Maximum side yards required; and 3332.26(F), Minimum side yard permitted, of the Columbus City Codes; for the property located at **1410 & 1414 FAIR AVENUE (43205)**, insofar as said sections prohibit an eight-unit apartment building and a three-unit dwelling on the same lot in the R-3, Residential District; with a parking lot with no code-compliant screening; a parking space reduction from 18 required parking spaces to 8 provided spaces; a reduced maximum side yard from 14.4 feet to 6.6 feet; and a reduced minimum side yard from 5.83 feet to 1.4 feet along the west property line; said property being more particularly described as follows:

**1410 & 1414 FAIR AVENUE (43205)**, being 0.24± acres located on the north side of Fair Avenue, and being more particularly described as follows:

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

**LEGAL DESCRIPTION**

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

Being Lots Numbered Sixteen (16) and Seventeen (17), of Madison Park Addition, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 304, Recorder's Office, Franklin County, Oh.

Parcel Number: 010-051856-00

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as an apartment building containing up to eight units and a dwelling containing up to 3 units, 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, "**FINAL SITE PLAN**," dated June 15, 2021, and signed by Erika Gilmore, Applicant. 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 adjustments to the plans shall be subject to review and approval by the Director of the Department 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.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part thereof, this ordinance is hereby declared an emergency measure and shall take effect and be enforced from and after its passage and approval by the Mayor, or ten days after passage if the Mayor neither approves nor vetoes the same.**