



Legislation Text

File #: 0734-2008, Version: 2

Council Variance Application: CV08-006

APPLICANT: Joseph A. Seifert; c/o William J. Rees, Atty.; 1332 Inglis Avenue; Columbus, OH 43212.

PROPOSED USE: Two-family dwelling.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. This request will conform an existing two-family dwelling in the R-3, Residential District. Variances for the dwelling's existing side yards and for one required parking space are included in the request. A Council variance is necessary in that a two-family 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. A hardship exists because the non-conforming nature of the site prevents the owners from making improvements to the structure, including the construction of a new detached garage. The two-family 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; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes; for the property located at **787-789 BRYDEN ROAD (43205)**, to conform an existing two-family dwelling with reduced development standards in the R-3, Residential District **and to declare an emergency** (Council Variance # CV08-006).

WHEREAS, by application No. CV08-006, the owner of property at **787-789 BRYDEN ROAD (43205)**, is requesting a Council Variance to conform an existing two-family dwelling with reduced development standards in the R-3, Residential District; and

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

WHEREAS, Section 3332.25, Maximum side yard required, requires the sum of the widths of each side yard to equal or exceed 20% of the forty-four (44) foot wide lot, or 8.8 feet, while the applicant proposes to maintain a maximum side yard of 2.17 feet for the existing building; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than five (5) feet, while the applicant proposes to maintain minimum side yards of 1.27 feet along the west property line, and 0.9 feet along the east property line for the existing building; and

WHEREAS, Section 3342.28, Minimum number of parking spaces required, requires two (2) parking spaces per dwelling unit, or four (4) spaces, while the applicant proposes three (3) parking spaces; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the Historic Resources Commission recommends approval; and

WHEREAS, 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-family 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-family 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 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 **787-789 BRYDEN ROAD (43205)**, 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 3332.035, R-3, Residential District; 3332.25, Maximum side yard required; 3332.26, Minimum side yard permitted; and 3342.28, Minimum number of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **787-789 BRYDEN ROAD (43205)**, insofar as said sections prohibit a two-family dwelling, with a reduced maximum side yard of 2.17 feet, reduced minimum side yards of 1.27 feet along the west property line, and 0.9 feet along the east property line, and a parking space reduction from four (4) required spaces to three (3); said property being more particularly described as follows:

787-789 BRYDEN ROAD (43205), being 0.15± acres located on the south side of Bryden Road, 44± feet east of Allen Avenue, and being more particularly described as follows:

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

Being Lot Number Five (5) of Buckeye Place Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 3, page 395, Recorder's Office, Franklin County, Ohio.

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

SECTION 3. ~~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.**