



Legislation Text

File #: 0787-2015, Version: 3

Council Variance Application: CV14-064

APPLICANT: Buckeye Real Estate, c/o Donald Plank, Atty.; Plank Law Firm, 145 East Rich Street, Third Floor; Columbus, OH 43215.

PROPOSED USE: A two-unit dwelling with a total of eight bedrooms.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

HISTORIC RESOURCES COMMISSION RECOMMENDATION: Approval.

UNIVERSITY AREA REVIEW BOARD RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. Although originally designed as a dwelling, the property was rezoned to the C-2, Commercial District, in 1956 for office use and was used as a medical office and rooming house until 1997, when a Council variance Ord. No. 877-97 (CV97-008) was granted to permit ground floor residential uses in the C-2, Commercial District. Under that variance, only seven tenants are permitted in a two-unit dwelling, whereas the applicant proposes to build an addition to one of the units in order to accommodate an eighth tenant. The property abuts multi-unit residential uses to the east, across Lane Avenue to the north, and across the alley to the south. Residential use of this property remains compatible with the established residential pattern located east of Pearl Alley, and is consistent with the land use recommendations of the *University District Plan* (2015), which recommends low-density residential uses at this location. No recommendation is being made regarding the hardship aspects of this request.

To grant a Variance from the provisions of Section 3353.03, Permitted uses, of the Columbus City Codes; for the property located at **31 EAST LANE AVENUE**, to permit a two-unit dwelling with a total of eight bedrooms in the C-2, Commercial District, and to repeal Ordinance No. 877-97, passed on April 21, 1997 **and to declare an emergency** (Council Variance # CV14-064).

WHEREAS, by application No. CV14-064, the owner of property at **31 EAST LANE AVENUE (43201)**, is requesting a Council variance to allow an eighth bedroom and additional living space in an existing two-unit dwelling containing seven bedrooms, as currently permitted by Ordinance # 877-97 (CV97-008) which allowed ground floor residential uses in the C-2, Commercial District; and

WHEREAS, Section 3353.03, Permitted uses, permits dwelling units only above certain commercial uses, while the applicant proposes to maintain ground floor residential uses for an existing two-unit dwelling as currently permitted by Ordinance # 877-97 (CV97-008), and allow an addition to the dwelling for an eighth bedroom and more common living space; and

WHEREAS, The University Area Commission recommends approval; and

WHEREAS, The Historic Resources Commission recommends approval; and

WHEREAS, The University Area Review Board recommends approval; and

WHEREAS, City Departments recommend approval because the requested variance will not add a new or incompatible use to this area. The addition of an eighth bedroom and additional living space to an existing two-unit dwelling in the C-2, Commercial District is consistent with the *University District Plan* land use recommendation for low-density residential uses at this location. The request remains consistent and compatible with the surrounding area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and 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 **31 EAST LANE AVENUE (43201)**, 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. Variance from the provisions of Section 3353.03, Permitted uses, of the Columbus City Codes is hereby granted for the property located at **31 EAST LANE AVENUE (43201)**, in that said section prohibits a two-unit dwelling with a total of eight bedrooms, with ground floor residential uses in the C-2, Commercial District; said property being more particularly described as follows:

31 EAST LANE AVENUE (43201), being 0.15± acres located at the southeast corner of East Lane Avenue and North Pearl Street, and being more particularly described as follows:

Being Lot Number Seven (7), in THOMAS R. HEAD'S SUBDIVISION OF LOTS NOS. 9-16 OF T.R. HEAD'S WALDECK AVENUE SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, page 145, Recorder's Office, Franklin County, Ohio.

Excepting:

Situated in the State of Ohio, County of Franklin, City of Columbus, Section 3, Township 1, Range 18, United States Military Lands, and being part of Lot 7, of Thomas R. Head's Subdivision of Lots 9-16 of T.R. Head's Waldeck Avenue Subdivision, of record in Plat Book 5, Page 145, said Lot 7 being described in a deed to **Eleventh Avenue Properties**, of record in Official Record 33896J10, all records are on file in the Recorder's Office, Franklin County, Ohio, all stations and offsets reference the Centerline Survey Plat of Lane Avenue prepared by **ms consultants, inc.** for the City of Columbus, said Parcel 41-WD being more particularly described as follows:

Beginning for Reference at the centerline intersection of Tuller Street and East Lane Avenue, being at Centerline Station 94+74.62;

Thence North 86°20'10" West, along the centerline of East Lane Avenue, a distance of 286.49 feet to a point, being at Centerline Station 91+88.13;

Thence South 3°39'50" West, a distance of 25.56 feet to a point at the northwest corner of said Lot 7, on the southerly line of East Lane Avenue, on the easterly line of a 20 foot wide alley, being 25.56 feet right of Station 91+88.13, and being the **True Place of Beginning**;

Thence South 86°17'18" East, along the northerly line of said Lot 7, the southerly line of East Lane Avenue, a distance of 16.87 feet to a point, being 25.58 feet right to Station 92+05.00;

Thence South 36°58'56" West, passing through said Lot 7, a distance of 23.24 feet to a point on the westerly line of said Lot 7, the easterly line of said 20 foot wide alley, being 45.00 feet right of Station 91+92.23;

Thence North 8°16'08" West, along the westerly line of said Lot 7, the easterly line of said 20 foot wide alley, a distance of 19.87 feet to the **True Place of Beginning**, and containing 0.004 acres of land.

The bearings for this description are based on a bearing of North 68°52'08" East from Franklin County control monument "ASTRO" to control monument "LANE" and are based on the NAD83 State Plan Coordinate System, Ohio South Zone.

This description was prepared by **ms consultants, inc.** from an actual field survey (1995-1999) and existing records.

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-unit dwelling with a total of eight bedrooms, or those uses permitted in the C-2, Commercial District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the Plan titled, "**VARIANCE SITE PLAN 31 E LANE AVENUE**," dated February 2, 2015, and signed by Donald Plank, Attorney for the 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 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 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.~~
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.

SECTION 6. That Ordinance No. 877-97, passed on April 21, 1997, be and is hereby repealed.