



Legislation Text

File #: 0590-2018, Version: 1

Council Variance Amendment: CV09-019A

Ordinance #1600-2009 (CV09-019), passed December 7, 2009, permitted the development of three single-unit dwellings with reduced development standards in the C-4, Commercial District. That Council variance also permitted accessory office uses within two of the dwellings. Two dwellings have been constructed thus far. However, prior to the submittal of the building permit to construct the third dwelling, the discovery of an error in the Zoning Map revealed that the subject properties are zoned in the R-4, Residential District, rather than the C-4, Commercial District. This ordinance replaces Ordinance #1600-2009 and permits the same development but with variances to the accurate R-4, Residential District. This ordinance also repeals Ordinance #1215-01 (CV01-024), passed on July 23, 2001, which permitted a four-story 3-unit dwelling on this site that was never constructed.

CITY DEPARTMENTS' RECOMMENDATION: Approval.

To grant a variance from the provisions of Sections 3332.039, R-4, Residential district; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(D), Basis of computing area; 3332.21(B), Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.29, Height districts, of the Columbus City codes; for the property located at **77 EAST RUSSELL STREET (43215)**, to permit three single-unit dwellings with reduced development standards in the R-4, Residential District, and to repeal Ordinance # 1215-01, passed July 23, 2001, and Ordinance # 1600-2009, passed December 7, 2009 (Council Variance # CV09-019A).

WHEREAS, Ordinance # 1600-2009, passed December 7, 2009 (CV09-019), allowed three single-unit dwellings with reduced development standards in the C-4, Commercial District at **77 EAST RUSSELL STREET (43215)**; and

WHEREAS, a map error was corrected on the Official Zoning Map of the City of Columbus in 2016, which updated the zoning district on this property to R-4, Residential District; and

WHEREAS, this ordinance will replace Ordinance # 1600-2009 by updating the variances to the R-4 district and development standards that are required for this development; and

WHEREAS, the uses and site plan approved by Ordinance # 1600-2009 are unchanged by this ordinance, and only the citations to the applicable code sections have changed, which are included herein; and

WHEREAS, Section 3333.039, R-4, Residential District, prohibits commercial uses, while the applicant may provide approximately 794± square feet of office area on the first floor of each of the dwellings located on Lots 1 and 2 as a live-work component; and

WHEREAS, Section 3321.05(B)(2), Vision clearance, requires a clear vision triangle of 30 feet on each of the perpendicular sides adjacent to a street intersection, while the applicant proposes to obstruct the clear vision triangle at the intersection of East Russell Street and Kerr Street by a dwelling unit on Lot 1; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a minimum lot width of 50 feet in the R-4,

Residential District, while the applicant proposes to maintain lot widths of 37.44± feet on Lot 1, 36± feet on Lot 2, and 46.37± feet on Lot 3; and

WHEREAS, Section 3332.15, R-4 area district requirements, requires that a single-unit dwelling shall be situated on a lot with an area which equals or exceeds 5,000 square feet, while applicant proposes to maintain lot sizes of 1,698.8± square feet for Lot 1, 1,306.8± square feet for Lot 2, and 1,219.7± square feet for Lot 3; and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to maintain lot coverages of 62± percent for Lot 1, 57± percent for Lot 2, and 51± percent for Lot 3; and

WHEREAS, 3332.21(B), Building lines, requires the building setback to be 25 feet from public streets, while the applicant proposes to maintain building lines of 7± feet along East Russell Street for Lots 1-3, and of 1.7± feet along Kerr Street for Lot 1; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to equal or exceed 20 percent of the width of the lot, or 9.27± feet for Lot 3, while the applicant proposes to maintain a maximum side yards of 0± feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a side yard of no less than 3 feet, while the applicant will maintain minimum side yards of 1.71± feet and 0.46± feet, respectively, along the west property lines of Lots 1 and 2, and 0 feet along the east and west property lines of Lot 3; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes to maintain no rear yard; and

WHEREAS, Section 3332.29, Height districts, requires that within a 35-foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes to maintain dwelling heights of 41± feet on Lots 1-3; and

WHEREAS, the Italian Village Commission recommends approval; and

WHEREAS, the City Departments recommend approval of the requested variances because they merely reiterate the permissions of the previous ordinance but with variances to the appropriate R-4 district; 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 **77 EAST RUSSELL STREET (43215)**, 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 3332.039, R-4, Residential district; 3321.05(B)(2), Vision clearance; 3332.05, Area district lot width requirements; 3332.15, R-4 area district requirements; 3332.18(D), Basis of

computing area; 3332.21(B), Building lines; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; Rear yard; and 3332.29, Height districts, of the Columbus City codes, is hereby granted for the property located at **77 EAST RUSSELL STREET (43215)**, in so far as said sections prohibit up to 794± square feet of office uses (as live-work components) on Lots 1 and 2 in the R-4, Residential District, with encroachment of the dwelling on Lot 1 into the required clear vision triangle at the intersection of East Russell Street and Kerr Street; reduced minimum lot widths from 50 feet to 37.44± feet on Lot 1, 36± feet on Lot 2, and 46.37± feet on Lot 3; reduced lot area from 5,000 square feet to 1,698.8± square feet for Lot 1, 1,306.8± square feet for Lot 2, and 1,219.7± square feet for Lot 3; increased lot coverage from 50 percent to 62± percent for Lot 1, 57± percent for Lot 2, and 51± percent for Lot 3; reduced building lines from 25 feet to 7± feet along East Russell Street for Lots 1-3, and 1.7± feet along Kerr Street for Lot 1; a reduced maximum side yard from 9.37 feet to 0 feet for Lot 3; reduced minimum side yards from 3 feet to 1.71± feet and 0.46± feet, respectively, along the west property lines of Lots 1 and 2, and 0 feet along the east and west property lines of Lot 3; reduced rear yards from 25 percent to 0 percent for Lots 1-3; and increased building height from 35 feet to 41± feet for Lots 1-3; said property being more particularly described as follows:

77 EAST RUSSELL STREET (43215), being 0.1± acres located at the southeast corner of East Russell Street and Kerr Street, and being more particularly described as follows:

Lot 1

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lots 84 and 83 of WILLIAM NEIL'S 2ND ADDITION, of record in Plat Book 1, Page 281 the same being part of the 0.086 acre tract of land conveyed to Kerr Street Place, Ltd., of record in Inst. No. 200104300091656, records of the Recorder's Office, Franklin County, Ohio and being bounded and more described as follows:

Beginning at a mag nail set at the intersection of the easterly right-of-way line of Kerr Street (50 feet in width) and the southerly right-of-way line of Russell Street (50 feet in width), also being the northwesterly corner of said Lot 84;

Thence North 81 deg. 40' 47" East, a distance of 37.44 feet, along the southerly right-of-way line of said Russell Street and the northerly lines of said 0.086 acre tract and Lot 84, to a mag nail set;

Thence South 08 deg. 43' 22" East, a distance of 40.51 feet, across said 0.086 acre tract and Lot 84, to a 5/8 inch rebar set in the southerly line of said 0.086 acre tract, and the northerly limited access right-of-way line of Interstate Route 670 (FRA-670-3.17 & FRA-3-15.85), the same being the 0.103 acre tract (Parcel 33WL) as conveyed to the State of Ohio, of record in Instrument Number 200104190082963; Thence South 67 deg. 40' 52" West, a distance of 38.85 feet, along said limited access right-of-way line and the southerly line of said 0.086 acre tract and across said Lots 84 and 83, to a point in the easterly right-of-way line of said Kerr Street and the westerly line of said 0.086 acre tract and Lot 83, referenced by a drill hole set South 67 deg. 40' 52" West, a distance of 1.0 feet;

Thence North 08 deg. 20' 43" West, a distance of 49.90 feet, along said easterly right-of-way line of Kerr Street and the westerly line of said 0.086 acre tract and Lots 83 and 84, to the Point of Beginning, containing 0.039 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of North 81 deg. 40' 47" East for the southerly right-of-way line of Russell Street, of record in Inst. No. 200104300091656, Recorder's Office, Franklin County, Ohio.

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

Known as Franklin County Parcel Number 010-290491

Addressed as 75 East Russell Street; Columbus, OH 43215

Lot 2

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 84 of WILLIAM NEIL'S 2ND ADDITION, of record in Plat Book 1, Page 281 the same being part of the 0.086 acre tract of land conveyed to Kerr Street Place, Ltd., of record in Instrument Number 200104300091656, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for reference at an iron pin set at the intersection of the easterly right-of-way line of Kerr Street (50 feet in width) and the southerly right-of-way line of Russell Street (50 feet in width) and being the northwesterly corner of said Lot 84;

Thence North 81° 40' 47" East, a distance of 37.44 feet, along the southerly right-of-way line of said Russell Street and the northerly lines of said 0.086 acre tract and Lot 84, to an iron pin set at the Point of True Beginning;

Thence North 81° 40' 4 7" East, a distance of 36.00 feet, continuing along the southerly right-of-way line of said Russell Street and the northerly lines of said 0.086 acre tract and Lot 84, to an iron pin set;

Thence South 08° 20' 43" East, a distance of 31.60 feet, across said 0.086 acre tract and Lot 84, to an iron pin set in the southerly line of said 0.086 acre tract, being the northerly limited access right-of-way line of Interstate Route 670 (FRA-670-3.17 & FRA-3-15.85), the same being the 0.103 acre tract (Parcel 33WL) as conveyed to the State of Ohio, of record in Instrument Number 200104190082963;

Thence South 67° 40' 52" West, a distance of 36.82 feet, along said limited access right-of-way line and the southerly line of said 0.086 acre tract, and across said Lot 84, to an iron pin set;

Thence North 08° 43' 22" West, a distance of 40.51 feet, across said 0.086 acre tract and Lot 84, to the Point of True Beginning, containing 0.030 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of North 81° 40' 4 7" East for the southerly right-of-way line of Russell Street, of record in Inst. No. 200104300091656, Recorder's Office, Franklin County, Ohio.

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

Known as Franklin County Parcel Number 010-290492

Addressed as 77 East Russell Street; Columbus, OH 43215

Lot 3

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of Lot 84 and a 20 foot wide alley of WILLIAM NEIL'S 2ND ADDITION, of record in Plat Book I, Page 281 the same being part of the 0.086 acre tract of land conveyed to Kerr Street Place, Ltd., of record in Instrument Number 200104300091656 and all of the 0.0103 acre tract of land conveyed to Kerr Street Place, Ltd., of record in Instrument Number 200411170263362, records of the Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for reference at a mag nail set at the intersection of the easterly right-of-way line of Kerr Street (50 feet in width) and the southerly right-of-way line of Russell Street (50 feet in width), also being the northwesterly corner of said Lot 84;

Thence North 81 deg. 40' 47" East, a distance of 73.44 feet, along the southerly right-of-way line of said Russell Street and the northerly lines of said 0.086 acre tract and Lot 84, to a 5/8 inch rebar set at the Point of True Beginning;

Thence North 81 deg. 40' 4 7" East, a distance of 46.37 feet, passing a railroad spike found at 26.37 feet at the northeasterly corner of said Lot 84, continuing along the southerly right-of-way line of said Russell Street and the northerly lines of said 0.086 and 0.0103 acre tracts, Lot 84 and 20 foot alley, to a 3/4 inch iron pin found at the intersection of the southerly right-of-way line of said Russell Street and the easterly line of said 20 foot alley at the northeasterly corner of said 0.0103 acre tract and an angle point in the northerly limited access right-of-way line of Interstate Route 670 (FRA-670-3.17 & FRA-3-15.85);

Thence South 08 deg. 35' 14" East, a distance of 20.02 feet, along the line common to said 0.0103 acre tract, said 20 foot alley and said limited access right-of-way line, to an iron pin set at the southeasterly corner of said 0.0103 acre tract;

Thence South 67 deg. 40' 52" West, a distance of 47.87 feet, along said northerly limited access right-of-way line and the southerly line of said 0.0103 and 0.086 acre tracts and the northerly line of the 0.103 acre tract (Parcel 33WL) conveyed to the State of Ohio, of record in Instrument Number 200104190082963 and across said 20 foot alley and Lot 84, to an iron pin set;

Thence North 08 deg. 20' 43" West, a distance of 31.60 feet, across said 0.086 acre tract and Lot 84, to the Point of True Beginning, containing 0.028 acres, more or less, and being subject to all easements, restrictions and rights-of-way of record.

The bearings in the above description are based on the bearing of North 81 deg. 40' 47" East for the southerly right-of-way line of Russell Street, of record in Inst. No. 200104300091656, Recorder's Office, Franklin County, Ohio.

All iron pins set are 3/4 inch iron pipes, 30 inches in length, with a red plastic cap stamped with the name "Landmark Survey".

Known as Franklin County Parcel Number 010-052103
Addressed as 79 East Russell Street; Columbus, OH 43215

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

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with the site plan titled "**TRIANGLE HOUSES AT RUSSELL AND KERR**," drawn by Lincoln Street Studio Architects and Planners, dated November 11, 2009, and signed by Connie J. Klema, Applicant. The Site 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 Site Plan 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 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.

SECTION 6. That Ordinance # 1215-01, passed July 23, 2001, and Ordinance # 1600-2009, passed December 7, 2009, be and are hereby repealed.