



## Legislation Text

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**File #: 2363-2018, Version: 2**

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### **Council Variance Application: CV18-050**

**APPLICANT:** David M. Betz; 174 East Fourth Avenue; Columbus, OH 43201.

**PROPOSED USE:** Two two-unit dwellings on one lot.

**ITALIAN VILLAGE COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is zoned in the R-4, Residential District, and developed with a single-unit dwelling. The requested Council variance will permit the redevelopment of the site with two two-unit dwellings. A Council variance is necessary because the R-4, Residential District permits a maximum of four dwelling units in one building, but does not permit two two-unit dwellings on one lot. The request also includes a variance to fronting requirements. Staff finds that the proposal will not add incompatible uses to the area, is consistent with the recent development pattern in this historic urban neighborhood, and notes that building design will conform to the Italian Village Commission requirements.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; and 3332.19, Fronting, of the City of Columbus codes; for the property located at **174 EAST FOURTH AVENUE (43201)**, to permit two two-unit dwellings, with reduced development standards in the R-4, Residential District (Council Variance # CV18-050) **and to declare an emergency.**

**WHEREAS**, by application # CV18-050, the owner of property at **174 EAST FOURTH AVENUE (43201)**, is requesting a Council variance to permit two two-unit dwellings on one lot, with reduced development standards in the R-4, Residential District; and

**WHEREAS**, Section 3333.039, R-4, Residential District, allows a maximum of four units in one building, but does not permit units in multiple buildings on a single lot, while the applicant proposes to redevelop the lot with two two-unit dwellings; and

**WHEREAS**, Section 3332.19, Fronting on a public street, requires a dwelling to have frontage on a public street, while the applicant proposes access for both dwellings from Greenwood Avenue; and

**WHEREAS**, the Italian Village Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval of the requested variances because the proposal will not add incompatible uses to the area, is consistent with the recent development pattern in this historic urban neighborhood, and notes that building design will conform to the Italian Village Commission requirements; 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 **174 EAST FOURTH AVENUE (43201)**, in using said property as desired;

**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.** That a variance from the provisions of Sections 3332.039, R-4 residential district; and 3332.19, Fronting, of the City of Columbus codes, is hereby granted for the property located at **174 EAST FOURTH AVENUE (43201)**, insofar as said sections prohibit two two-unit dwellings on one lot in the R-4, Residential District; and access from Greenwood Avenue rather than a primary frontage; said property being more particularly described as follows:

**174 EAST FOURTH AVENUE (43201)**, being 0.29± acres located at the northeast corner of East Fourth Avenue and Hamlet Street, and being more particularly described as follows:

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

Being Lot No. Seven (7) of E.L. Hinman Sub-Division, as numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 75, recorder's Office, Franklin County, Ohio.

Parcel Number: 010-009721

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two two-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 exhibit titled, "**4<sup>TH</sup> AVENUE CONDOMINIUM.**," signed by David Betz, Applicant, and dated August 23, 2018. 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.**