



Legislation Text

File #: 2942-2018, **Version:** 2

Council Variance Application: CV18-038

APPLICANT: Epic Development Group, LLC; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, First Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

PROPOSED USE: Two-unit dwelling development.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of two parcels, one developed with a single-unit dwelling, and one undeveloped, in the R-3, Residential District. The applicant proposes to demolish the existing dwelling and construct a two-unit dwelling on each parcel. Included in this request is a variance to reduce the required lot width for each parcel. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a land use for this location. The Plan does state that, in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. Staff believes the proposal is compatible to the urban character of the neighborhood as recommended by the Plan and does not introduce incompatible uses to the area.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; and 3332.05(A)(4), Area district lot width requirements, of the Columbus City Codes; for the property located at **1515 OAK STREET (43205)**, to permit two-unit dwellings on two contiguous parcels with reduced lot width in the R-3, Residential District (Council Variance #CV18-038) **and to declare an emergency.**

WHEREAS, by application #CV18-038, the owner of the property at **1515 OAK STREET (43205)**, is requesting a Variance to permit two-unit dwellings on two contiguous parcels with reduced lot width 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 two-unit dwellings on two contiguous parcels; and

WHEREAS, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-3, Residential District, while the applicant proposes to maintain lot widths of 37 feet for each lot; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the requested Council will allow new two-unit dwellings on each lot which is compatible to the urban fabric of the neighborhood as recommended by the *Near East Area Plan*, and does not introduce incompatible uses to the 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 **1515 OAK STREET (43205)**, 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** *the* builder is ready to start construction of the two buildings permitted by the ordinance and hopes to get the buildings under roof before we have significant cold weather, thereby allowing builder to continue to work on the interior; **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; and 3332.05(A)(4), Area district lot width requirements, of the Columbus City Codes; for the property located at **1515 OAK STREET (43205)**, insofar as said sections prohibit two-unit dwellings in the R-3, Residential District, with reduced lot width from 50 feet to 37 feet; said property being more particularly described as follows:

1515 OAK STREET (43205), being 0.28± acres located on the south side of Oak Street, 160± feet east of Miller Avenue, and being more particularly described as follows:

PARCEL 1:

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

Being Lot Number Twenty-Seven (27) of Louis Zettler's Addition to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 324, Recorder's Office, Franklin County, Ohio.

(PID: 010-062159)

PARCEL 2:

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

Being Lot Number Twenty-six (26) and 3.23 feet off the West side of Lot Number Twenty-five (25) of Louis Zettler's Addition to the City of Columbus, Ohio, as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 324, Recorder's Office, Franklin County, Ohio.

(PID: 010-049243)

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as two-unit dwellings in accordance with the submitted site plan, 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 plans titled, "**1515 OAK ST SHEET 1 OF 2**," and "**1515 OAK ST SHEET 2 OF 2**," both dated October 15, 2018, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the Applicant. The plans

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 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.