



Legislation Text

File #: 0936-2019, **Version:** 1

Council Variance Application: CV19-001

APPLICANT: Davide V. Cugini; 815 Park Street; Columbus, OH 43215.

PROPOSED USE: Residential private garage.

UNIVERSITY AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site contains a residential private garage on a lot that was previously developed with a dwelling. The applicant requests a Council variance to permit the existing residential private garage to remain. The site is within the boundaries of the *University District Plan* (2015), which recommends "Lower Intensity Residential" land uses at this location. The requested variance is supportable with the applicant's commitment to initiate the construction of a dwelling on this property within two years of the effective date of this ordinance, or a new Council variance will be required.

To grant a Variance from the provisions of Sections 3332.039, R-4 residential district; and 3332.38(A), Private garage, of the Columbus City Codes; for the property located at **1374 NORTH FIFTH STREET (43201)**, to permit a private garage on a residential lot not occupied with a dwelling in the R-4, Residential District for a two-year period (Council Variance #CV19-001).

WHEREAS, by application #CV19-001, the owner of the property at **1374 NORTH FIFTH STREET (43201)**, is requesting a Variance to permit a private garage on a residential lot with no dwelling in the R-4, Residential District for a two-year period; and

WHEREAS, Section 3332.039, R-4 residential district, does not permit a residential private garage to be the primary use of a residential lot, while the applicant proposes to maintain an existing residential private garage on a lot not occupied by a dwelling for a period of two years; and

WHEREAS, Section 3332.38(A), Private garage, states a private garage shall not be an accessory use to a lot in a residential district unless such a lot is occupied by a dwelling or unless a building permit has been issued for and construction started on a dwelling on such a lot, while the applicant proposes to maintain an existing residential private garage on a lot not occupied by a dwelling for a period of two years; and

WHEREAS, the University Area Commission recommends approval; and

WHEREAS, City Departments recommend approval because the proposed Council variance will permit the existing residential private garage to remain, while giving the applicant two years to initiate the construction of a dwelling on site; and

WHEREAS, said ordinance requires separate submission for all applicable permits for the proposed uses; 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 **1374 NORTH FIFTH STREET (43201)**, in using said property as desired; 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 3332.039, R-4 residential district; and 3332.38(A), Private garage, of the Columbus City Codes; for the property located at **1374 NORTH FIFTH STREET (43201)**, insofar as said sections prohibit a residential private garage on a lot that is not occupied with a dwelling, said property being more particularly described as follows:

1374 NORTH FIFTH STREET (43201), being 0.10± acres located on the east side of North Fifth Street, 70± feet south of East Eighth Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, and in the City of Columbus; Being Lot Number 220, of the New Indianola Addition to the City of Columbus, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 12, Page 35, Recorder's Office, Franklin County, Ohio.

Known as Address: 1374 North Fifth Street; Columbus, OH 43201
Parcel Numbers: 010-007293

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a residential private garage, or those uses permitted in the R-4, Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant or property owner initiating the construction of a dwelling on this property within two years of the effective date of this ordinance, or a new Council variance is required.

SECTION 4. That this ordinance is further conditioned upon the applicant obtaining all applicable permits 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.