



Legislation Text

File #: 1378-2019, **Version:** 2

Council Variance Application CV19-026

APPLICANT: Marillian LLC; c/o Jackson B. Reynolds, III, Atty.; 37 W. Broad St., Suite 460; Columbus, OH 43215.

PROPOSED USE: Conform two single-unit dwellings.

CLINTONVILLE AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is comprised of two parcels each developed with a single-unit dwelling zoned in the C-4, Commercial District. Both parcels are also developed with parking spaces and an access drive for the adjacent property to the south which is intended to be used as a child daycare center. Variances are requested to conform the existing dwellings while reducing the maneuvering area, parking setback, and required number of parking spaces (from 4 to 1) which will enable lot splits of the subject site from the commercial access and parking lot. The site is within the planning area of the *Clintonville Neighborhood Plan* (2009), which recommends single-unit residential development for this location. The proposal will result in two single-unit dwelling lots with no commercial components which is consistent with the Plan recommendation. Approval of this request will not add new or incompatible uses to the area. The parking-related variances are supported for the dwelling use as there is on-street parking available in the neighborhood.

To grant a Variance from the provisions of Sections 3356.03, C-4, permitted uses; 3312.25, Maneuvering; 3312.27(4), Parking setback line; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes; for the property located at **27 & 31 E. CALIFORNIA AVENUE (43202)**, to conform two existing single-unit dwellings with reduced maneuvering and parking standards in the C-4, Commercial District (Council Variance #CV19-026) **and to declare an emergency.**

WHEREAS, by application #CV19-026, the owner of property at **27 & 31 E. CALIFORNIA AVENUE (43202)**, is requesting a Council variance to conform two existing single-unit dwellings with reduced maneuvering and parking standards in the C-4, Commercial District; and

WHEREAS, Section 3356.03, C-4 Permitted Uses, permits dwelling units only above certain commercial uses, while the applicant proposes to conform two existing single-unit dwellings, enabling lot splits on the properties in order to remove commercial parking and access for the adjacent commercial use; and

WHEREAS, Section 3312.25, Maneuvering, requires parking spaces to have sufficient access and maneuvering area on the lot where the parking spaces are located, except in the area between the street right-of-way line and the parking setback line, while the applicant proposes maneuvering into the right-of-way of E. California Avenue in a rearward direction for 27 E. California Avenue; and

WHEREAS, Section 3312.27(4), Parking setback line, requires a minimum parking setback line of ten feet along public streets; while the applicant proposes to reduce the minimum parking setback from E. California Avenue to four feet for 27 E. California Avenue; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, while the applicant proposes one parking space for 27 E. California Avenue, and zero parking spaces for 31 E. California Avenue; and

WHEREAS, the Clintonville Area Commission recommends approval; and

WHEREAS, The City Departments recommend approval because this request will not add a new or incompatible use to the area, and is consistent with the land use recommendation of the *Clintonville Neighborhood Plan*. The requested variance will conform two existing single-unit dwellings in the C-4, Commercial District, enabling lot splits on the properties in order to remove commercial parking and access for the adjacent commercial use; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Zoning Clearance for the proposed lot splits; 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 the adjacent property, unreasonably increase the congestion of public streets, increase the danger of fires, endanger the public safety, unreasonably diminish or impair established property values within the surrounding area, or in any other respect 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 owner of the property located at **27 & 31 E. CALIFORNIA AVENUE (43202)**, 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 3356.03, C-4, permitted uses; 3312.25, Maneuvering; 3312.27(4), Parking setback line; and 3312.49(C), Minimum numbers of parking spaces required, of the Columbus City Codes, is hereby granted for the property located at **27 & 31 E. CALIFORNIA AVENUE (43202)**, insofar as said sections prohibit single-unit dwellings in the C-4, Commercial District; with maneuvering into the right-of-way in a rearward direction, a reduced parking setback from ten to four feet, and a reduction in the number of required parking spaces from two to one space for 27 E. California Avenue; and a reduction in the number of required parking spaces from two to zero spaces for 31 E. California Avenue; said property being more particularly described as follows:

27 & 31 E. CALIFORNIA AVENUE (43202), being 0.37± acres located on the south side of East California Avenue, 170± feet east of North High Street, and being more particularly described as follows:

Tract I
27 E. California Avenue
Parcel No. 010-000917

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus, and bounded and described as follows:

Beginning at a point in the south line of Belmont Avenue (now known as California Avenue), 169.30 feet east of the intersection of said south line with the east line of North High Street; thence southerly 111.85 feet to a point, the northwest corner of a former cemetery; thence easterly along the north line of said former cemetery, 66 feet to a point; thence northerly 114.60 feet to a point in the south line of Belmont Avenue; thence westerly along the north line of

Belmont Avenue, 80.70 feet to the place of beginning.

Tract II

31 E. California Avenue

Parcel No. 010-057701

Situated in the County of Franklin, in the State of Ohio and in the City of Columbus, and bounded and described as follows:

Being part of Lot Number Ten (10) in Section 2, Township 1, Range 18, U.S.M. Lands. Beginning in the south line of Belmont Avenue (now known as California Avenue) 250 feet east of its intersection with the east line of North High Street; thence along said south line of Belmont Avenue East 65 feet; thence in a southerly direction 112.80 feet to a point in the north line of a former cemetery; thence with the north line of said former cemetery 67 feet to a point; thence in a northerly direction 114.60 feet to the beginning.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as single-unit dwellings.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining for all applicable permits and Certificates of Zoning Clearance for the proposed lot splits.

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.**