



## Legislation Text

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**File #:** 1260-2020, **Version:** 1

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### **Council Variance Application CV19-116**

**APPLICANT:** Nitzan Levi; 139 E. Main Street, Unit 103; Columbus, OH 43215.

**PROPOSED USE:** Conform and expand existing four-unit dwelling.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one parcel developed with a four-unit dwelling in the R-3, Residential District. The proposes an expansion of the nonconforming use by adding utility rooms and additional living space to the existing units, along with installation of four off-street parking spaces. A Council variance is required because the R-3 district only permits one single-unit dwelling per lot. Variances are also included for reduced parking (from 6 spaces to 4), no bicycle parking, and reduced lot width and area. The site is located within the planning area of the *Near East Area Plan* (2005), which does not contain a land use recommendation for this location, but encourages building design that improves the compatibility of the structure with the surrounding neighborhood. The proposed addition and new front porch better integrate the existing building with the adjacent dwellings. Approval of this request will not add a new or incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.035, R-3 permitted uses; 3312.49, Minimum numbers of parking spaces required; 3332.05 Area district lot width requirements; 3332.13, R-3 area district requirements, and 3332.28, Side or rear yard obstruction, of the Columbus City Codes; for the property located at **898 FRANKLIN AVE. (43205)**, to conform and expand a four-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV19-116).

**WHEREAS**, by application #CV19-116, the owner of property at **898 FRANKLIN AVE. (43205)**, is requesting a Council variance to conform and expand a four-unit dwelling with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035 R-3, Permitted Uses, permits a single-unit dwelling, while the applicant proposes to conform and expand an existing four-unit dwelling; and

**WHEREAS**, Section 3312.49, Minimum numbers of parking spaces required, requires 2 bicycle parking spaces and 1.5 vehicle parking spaces per dwelling unit, or 6 spaces total for 4 units, while the applicant proposes to maintain no bicycle parking spaces and will install 4 vehicle parking spaces; and

**WHEREAS**, Section 3332.05 Area district lot width requirements, requires a lot width of no less than 50 feet, while the applicant proposes to maintain the existing lot width of 39.3 feet; and

**WHEREAS**, Section 3332.13, R-3 area district requirements, requires that a single-unit dwelling or other principal building shall be situated on a lot of not less than 5,000 square feet in area, while the applicant proposes a four-unit dwelling on a lot that contains 4,633.5± feet pursuant to the lot area calculation in Section 3332.18(C); and

**WHEREAS**, Section 3332.28, Side or rear yard obstruction, requires the area in the side or rear yard to be open from the finished grade to the sky, while the applicant proposes a stairway to the second floor to encroach into the east side yard; and

**WHEREAS**, the Near East 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. The requested variance will conform an existing four-unit dwelling in the R-3, Residential District, and allow an addition and new front porch. The proposed design improves the compatibility of the structure with the surrounding neighborhood as recommended by the *Near East Area Plan*; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a 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 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 **898 FRANKLIN AVE. (43205)**, 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 3332.035, R-3 permitted uses; 3312.49, Minimum numbers of parking spaces required; 3332.05 Area district lot width requirements; 3332.13, R-3 area district requirements, and 3332.28, Side or rear yard obstruction, of the Columbus City Codes, are hereby granted for the property located at **898 FRANKLIN AVE. (43205)**, insofar as said section prohibits a four-unit dwelling in the R-3, Residential District, with a parking space reduction from 2 to 0 bicycle spaces and from 6 to 4 vehicle spaces; reduced lot width from 50 feet to 39.3 feet; reduced lot area from 5,000 square feet to 4,633.5 square feet; and a stairway to the second floor that encroaches into the east side yard; said property being more particularly described as follows:

**898 FRANKLIN AVE. (43205)**, being 0.13± acres located on the north side of Franklin Avenue, 50± feet east of South 18<sup>th</sup> Street, and being more particularly described as follows:

Located in the State of Ohio, County of Franklin, and in the City of Columbus, and being described as follows:

Being Lot Number Forty-two (42) of Mitchell, Watson and Hoffman's amended subdivision of Mitchell, Watson and Morrison's Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 164, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-043326

Address: 898 Franklin Avenue, Columbus, OH 43205

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a dwelling containing up to four units, 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 plan and renderings titled, "**898 FRANKLIN AVENUE SHEETS A-0.1 AND A-2.0**," drawn by Gunzelman

Architects + Interiors, dated May 21, 2020, and signed by Nitzan Levi, 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 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.