



Legislation Text

File #: 0680-2021, **Version:** 1

Council Variance Application: CV20-087

APPLICANT: 282 South Monroe, LLC; c/o Dave Perry, Agent; David Perry Company, Inc.; 411 East Town Street, 1st Floor; and Wesley Gilliland, Attorney; Havens Limited; 141 East Town Street, Suite 200; Columbus, OH 43215.

PROPOSED USE: Two-unit dwelling.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of one parcel developed with a single-unit dwelling in the R-3, Residential District. The requested Council variance will permit remodeling of the existing dwelling and the addition of a second attached dwelling unit. A Council variance is necessary because the R-3 district permits only single-unit dwellings. The request includes variances to reduce required parking from 4 spaces to two, area district requirements, lot coverage, building lines, minimum side yard, and rear yard. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not include a specific land use recommendation 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. City staff supports the proposed variances as the density, provided parking, and building placement are consistent with those found in this neighborhood, and the submitted site plan demonstrates the inclusion of requested street trees.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.13, R-3 area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard; of the Columbus City Codes; for the property located at **282 S. MONROE AVE. (43205)**, to permit a two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV20-087).

WHEREAS, by application #CV20-087, the owner of the property at **282 S. MONROE AVE. (43205)**, is requesting a Variance to permit a two-unit dwelling with reduced development standards 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 a two-unit dwelling; and

WHEREAS, Section 3312.49 Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces for two dwelling units, while the applicant proposes a total of two parking spaces provided; 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 two-unit dwelling on an existing lot of 3,487 square feet or 1,743.5 square feet per dwelling; and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes an increased lot coverage of 51 percent; and

WHEREAS, Section 3332.21, Building lines, requires a minimum setback from the right-of-way line of 10 feet, while the applicant proposes a seven foot setback from South Monroe Avenue; and

WHEREAS, Section 3332.26(F), Minimum side yard permitted, requires a side yard of no less than one-sixth of the height of the building for buildings over two and one-half stories in height, or 5.75 feet, while the applicant proposes a minimum side yard of zero feet along the northern property line of the existing dwelling unit, and five feet along the northern property line of the new dwelling unit, as shown on the submitted site plan; and

WHEREAS, Section 3332.27, Rear yard, requires that each dwelling, residence, or other principal building shall be erected so as to provide a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard of seven percent; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance as the density, provided parking and building placement are consistent with those found in the surrounding neighborhood, and the proposal will not add incompatible uses to the area; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates 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 **282 S. MONROE 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 is hereby granted from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Minimum numbers of parking spaces required; 3332.13, R-3 area district requirements; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **282 S. MONROE AVE. (43205)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District; with a parking space reduction from four spaces to two spaces; a reduced lot area from 5,000 square feet to 1,743.5 square feet per dwelling unit; an increased lot coverage from 50 percent to 51 percent; a reduced building setback line from ten feet to seven feet from South Monroe Avenue; reduced minimum side yards from 5.75 feet to zero feet along the northern property line of the existing dwelling unit and five feet along northern property line of the new dwelling unit; and a reduced rear yard from 25 percent to seven percent; said property being more particularly described as follows:

282 S. MONROE AVE. (43205), being 0.08± acres located at the northeast corner of South Monroe Avenue and East Cherry Street, and being more particularly described as follows:

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

Being 87 feet off the west end of Lot No. 32 of William Phalen's Addition as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 1 page 37, Recorder's Office, Franklin County, Ohio.

Property Address: 282 South Monroe Avenue, Columbus, Ohio 43205.

Parcel No.: 010-044970.

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a two-unit dwelling 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 plan, "**ZONING SITE PLAN**," dated February 15, 2021, and signed by David B. Perry, Agent for the Applicant, and Wesley W. Gilliland, Attorney for the Applicant. 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 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 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.