



## Legislation Details (With Text)

**File #:** 3370-2021      **Version:** 1

**Type:** Ordinance      **Status:** Passed

**File created:** 12/13/2021      **In control:** Zoning Committee

**On agenda:** 5/2/2022      **Final action:** 5/5/2022

**Title:** To grant a Variance from the provisions of Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, of the Columbus City Codes; for the property located at 1765 BLAKE RD. (43219), to permit three two-unit dwellings ARLD, Apartment Residential District (Council Variance #CV21-078).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3370-2021\_Attachments

Date	Ver.	Action By	Action	Result
5/5/2022	1	CITY CLERK	Attest	
5/4/2022	1	MAYOR	Signed	
5/2/2022	1	COUNCIL PRESIDENT	Signed	
5/2/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
5/2/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
5/2/2022	1	Zoning Committee	Approved	Pass
5/2/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass

### Council Variance Application: CV21-078

**APPLICANT:** Farris Development; c/o Brenda Parker, Agent; 405 North Front Street; Columbus, OH 43215.

**PROPOSED USE:** Three two-unit dwellings.

**NORTH CENTRAL AREA COMMISSION RECOMMENDATION:** Disapproval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of six undeveloped parcels zoned in the ARLD, Apartment Residential District. The requested Council variance will allow the development of three two-unit dwellings on three proposed lots. A Council variance is necessary because the ARLD, Apartment Residential District only permits a two-unit dwelling when the lot meets specific platting and area district exception criteria (CC 3333.055). Although the *North Central Plan* (2002) recommends single-unit residential land uses for this location, staff supports the increased density as the site has frontage along Joyce Avenue which is a major corridor, and because the existing zoning would permit an apartment house with up to 15 units. The proposed dwellings are consistent with the established development pattern along Joyce Avenue. The request will not introduce an incompatible use to the surrounding neighborhood.

To grant a Variance from the provisions of Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, of the Columbus City Codes; for the property located at **1765 BLAKE RD. (43219)**, to permit three two-unit dwellings ARLD, Apartment Residential District (Council Variance #CV21-078).

**WHEREAS**, by application #CV21-078, the owner of the property at **1765 BLAKE RD. (43219)**, is requesting a Variance to permit three two-unit dwellings, each on its own parcel, in the ARLD, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD and AR-1, Apartment residential district use, does not permit single-unit or two-unit dwellings on parcels that do not meet the platting exception criteria contained in CC 3333.055, while the applicant proposes a two-unit dwelling on each of three proposed parcels; and

**WHEREAS**, the North Central Area Commission recommends disapproval; and

**WHEREAS**, City Departments recommend approval because while the *North Central Plan* recommends single-unit residential land uses for this location, staff notes the existing zoning allows for apartment residential uses, and the site is located on a major corridor. The proposed dwellings are consistent with the established development pattern along Joyce Avenue, and will not introduce incompatible uses to the surrounding neighborhood; 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 **1765 BLAKE RD. (43219)**, 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 Section 3333.02, AR-12, ARLD and AR-1 apartment residential district use, of the Columbus City Codes; for the property located at **1765 BLAKE RD. (43219)**, insofar as said section prohibits two-unit dwellings in the ARLD, Apartment Residential District; said property being more particularly described as follows:

**1765 BLAKE RD. (43219)**, being 0.52± acres located at the southeast corner of Blake Avenue and Joyce Avenue, and being more particularly described as follows:

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

**PARCEL 1:**

Being the North half of Lot Number One Hundred Ninety-four (194) of DUXBERRY PARK ADDITION or SUBDIVISION, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, Page 21, Recorder's Office, Franklin County, Ohio.

Property Address: 00 Joyce Avenue, Columbus, Ohio 43219

Parcel Number: 010-007746

Source of Title: Instrument No. 200909030129505

PARCEL 2:

Being Lot Number One Hundred Ninety-three (193) of DUXBERRY PARK ADDITION or SUBDIVISION, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, Page 21, Recorder's Office, Franklin County, Ohio.

Property Address: 00 Joyce Avenue, Columbus, Ohio 43219

Parcel Number: 010-098841

Source of Title: Instrument No. 200909030129505

PARCEL 3:

Being the South half of Lot Number One Hundred Ninety-four (194) of DUXBERRY PARK ADDITION or SUBDIVISION, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, Page 21, Recorder's Office, Franklin County, Ohio.

Property Address: 00 Joyce Avenue, Columbus, Ohio 43219

Parcel Number: 010-098842

Source of Title: Instrument No. 200909030129505

PARCEL 4:

Being Lot Number One Hundred Ninety-five (195) of DUXBERRY PARK ADDITION or SUBDIVISION, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, Page 21, Recorder's Office, Franklin County, Ohio.

Property Address: 00 Joyce Avenue, Columbus, Ohio 43219

Parcel Number: 010-098843

Source of Title: Instrument No. 200909030129505

PARCEL 5:

Being Lot Number One Hundred Ninety-seven (197) of DUXBERRY PARK ADDITION or SUBDIVISION, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, Page 21, Recorder's Office, Franklin County, Ohio.

Property Address: 00 Joyce Avenue, Columbus, Ohio 43219

Parcel Number: 010-098845

Source of Title: Instrument No. 200909030129505

PARCEL 6:

Being Lot Number One Hundred Ninety-six (196) of DUXBERRY PARK ADDITION or SUBDIVISION, to the City of Columbus, Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 20, Page 21, Recorder's Office, Franklin County, Ohio.

Property Address: 1765 Joyce Avenue, Columbus, Ohio 43219

Parcel Number: 010-098844

Source of Title: Instrument No. 200808010117789

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two-unit dwellings in accordance with the submitted site plan, or those uses permitted in the ARLD, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the site plan titled, "**OVERALL SITE PLAN**," dated December 2, 2021, and signed by Brenda Parker, Agent 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 is further conditioned upon the applicant obtaining all applicable permits and Certificates 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.