



## Legislation Details (With Text)

**File #:** 3259-2022      **Version:** 1

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

**File created:** 11/16/2022      **In control:** Zoning Committee

**On agenda:** 12/5/2022      **Final action:** 12/7/2022

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 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 1471 24TH AVE. (43211), to permit a two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-106).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3259-2022\_Attachments, 2. ORD3259-2022\_Labels

Date	Ver.	Action By	Action	Result
12/7/2022	1	CITY CLERK	Attest	
12/6/2022	1	MAYOR	Signed	
12/5/2022	1	COUNCIL PRESIDENT	Signed	
12/5/2022	1	Zoning Committee	Waive the 2nd Reading	Pass
12/5/2022	1	Zoning Committee	Approved	Pass
12/5/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
12/5/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass

**Council Variance Application: CV22-106**

**APPLICANT:** Dominic Luppino; 7844 Flint Road; Columbus, OH 43235.

**PROPOSED USE:** Two-unit dwelling.

**SOUTH LINDEN AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the R-3, Residential District. The requested Council variance will permit a new two-unit dwelling to be constructed on the site. A Council variance is required because the R-3 district permits only single-unit dwellings. Variances to reduce the lot area and permit an obstruction of the required eastern and western side yards are included in the request. The site is within the boundaries of the *South Linden Land Use Plan* (2018), which recommends "Medium Density Residential" land uses at this location. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). The submitted site plan demonstrates setbacks, lot coverage, parking accessed off the alley, and trees in the rear yard and along the 24th Avenue frontage, all consistent with C2P2 Design Guidelines.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 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 **1471 24TH AVE. (43211)**, to permit a two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-106).

**WHEREAS**, by application #CV22-106, the owner of the property at **1471 24TH AVE. (43211)**, 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 3332.13, R-3 area district requirements, requires that a principal building shall be situated on a lot of no less than 5,000 square feet in area, while the applicant proposes a two-unit dwelling on a lot area of 3,888 square feet (pursuant to the lot area calculation per 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 concrete walkways within the required eastern and western side yards, as shown on the site plan; and

**WHEREAS**, the South Linden Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because this request is consistent with the land use recommendations of the *South Linden Land Use Plan*, the site design recommendations of C2P2, and does not introduce an incompatible use to the area; 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 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 **1471 24TH AVE. (43211)**, 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; 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 **1471 24TH AVE. (43211)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District; with reduced lot area from 5,000 to 3,888 square feet; and an obstruction of the required eastern and western side yards with a concrete walkway; said property being more particularly described as follows:

**1471 24TH AVE. (43211)**, being 0.10± acres located on the south side of 24th Avenue, 150± feet east of Gladstone Avenue, and being more particularly described as follows:

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

Being Lot Number One Hundred And Four (104) in WALDEMERE, an addition to the City Of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 10, Page 86 & 87, Records

Office, Franklin County, Ohio.

Parcel ID: 010-060389

Known Address: 1471 E. 24<sup>th</sup> Ave., Columbus, OH 43211

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a two-unit dwelling, 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 titled, "**SITE STUDY**," dated November 7, 2022, and signed by Dominic Luppino, 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 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.