



## Legislation Details (With Text)

**File #:** 0336-2023      **Version:** 1

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

**File created:** 1/25/2023      **In control:** Zoning Committee

**On agenda:** 2/13/2023      **Final action:** 2/15/2023

**Title:** To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49 Minimum numbers of parking spaces required; 3333.09, Area requirements; and 3333.23(a)(c), Minimum side yard permitted, of the Columbus City Codes; for the property located at 86 N. YALE AVE. (43222), to permit two-unit dwellings with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance #3074-2021, passed December 6, 2021 (Council Variance #CV22-125).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0336-2023.Attachments, 2. ORD0336-2023.Labels

Date	Ver.	Action By	Action	Result
2/15/2023	1	CITY CLERK	Attest	
2/14/2023	1	MAYOR	Signed	
2/13/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
2/13/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
2/13/2023	1	Zoning Committee	Approved	Pass
2/13/2023	1	COUNCIL PRESIDENT	Signed	
2/6/2023	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV22-125**

**APPLICANT:** New City Homes LLC; c/o Andrew Wappner; PO BOX 732; Worthington, OH 43085.

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

**FRANKLINTON AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel in the AR-1, Apartment Residential District which was proposed for a 12-unit multiple dwelling development as approved by Ordinance #3074-2021 (CV21-082). The requested Council variance will instead permit the development of six two-unit dwellings, with each two-unit dwelling on its own individual lot. A Council variance is required because two-unit dwellings are not a permitted use in the AR-1, Apartment Residential District unless they meet certain exceptions for existing lots. Variances to required number of parking spaces, lot area, and minimum side yard are included in this request. The site is located within the boundaries of the *West Franklinton Plan* (2014), which recommends "Medium-High Density Mixed Residential" land uses at this location. Additionally, the Plan includes early adoption of the *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018). Although the proposal exceeds the Plan's recommended density, staff notes that the increase in density is due to the proposal including basement accessory

dwelling units, and that the form of the proposed units is consistent with C2P2 Design Guidelines and the development patterns of the surrounding neighborhood.

To grant a Variance from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49 Minimum numbers of parking spaces required; 3333.09, Area requirements; and 3333.23(a)(c), Minimum side yard permitted, of the Columbus City Codes; for the property located at **86 N. YALE AVE. (43222)**, to permit two-unit dwellings with reduced development standards in the AR-1, Apartment Residential District, and to repeal Ordinance #3074-2021, passed December 6, 2021 (Council Variance #CV22-125).

**WHEREAS**, by application #CV22-125, the owner of property at **86 N. YALE AVE. (43222)**, is requesting a Council variance to permit two-unit dwellings with reduced development standards in the AR-1, Apartment Residential District; and

**WHEREAS**, Section 3333.02, AR-12, ARLD, and AR-1, apartment residential district use, prohibits two-unit dwellings, while the applicant proposes six two-unit dwellings, with each two-unit dwelling on an individual lot; and

**WHEREAS**, Section 3312.49 Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit, or 4 spaces for each two-unit dwelling, while the applicant proposes a total of 2 parking spaces per lot and

**WHEREAS**, Section 3333.09, Area requirements, requires that no building shall be erected or altered on a lot with a width of less than 50 feet, while the applicant proposes a lot width of 25 feet for each lot; and

**WHEREAS**, Section 3333.23(a)(c), Minimum side yard permitted, requires a side yard of no less than 5 feet for buildings and 3 feet for detached garages, while the applicant proposes side yards of 3 feet for each lot, and 2 feet on the north side of the detached garage on the northernmost lot (Parcel 1), as shown on the site plan; and

**WHEREAS**, the Franklinton Area Commission recommends approval of said zoning change; and

**WHEREAS**, the City Departments recommend approval because the requested variances will permit the development of six two-unit dwellings, which are consistent with C2P2 Design Guidelines and the development pattern of 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 roads, 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 **86 N. YALE AVE. (43222)**, in using said property as desired, now therefore:

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBUS:**

**SECTION 1.** That variances from the provisions of Sections 3333.02, AR-12, ARLD, and AR-1, apartment residential district use; 3312.49 Minimum numbers of parking spaces required; 3333.09, Area requirements; and 3333.23(a)(c), Minimum side yard permitted, of the Columbus City Codes; are hereby granted for the property located at **86 N. YALE AVE. (43222)**, insofar as said sections prohibit the development of two-unit dwellings in the AR-1, Apartment

Residential District; with a reduction in the required number of parking spaces from 4 required spaces to 2 provided spaces per lot; a reduced lot with from 50 feet to 25 feet; and reduced minimum side yards from 5 feet to 3 feet for each lot, and from 3 feet to 2 feet on the north side of the detached garage on the northernmost lot (Parcel 1); said property being more particularly described as follows:

**86 N. YALE AVE. (43222)**, being 0.38± acres located at the southeast corner of North Yale Avenue and Cable Avenue, and being more particularly described as follows:

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

Located in the City of Columbus and further described as being Lot Number Twenty-two (22) of Franklin Subdivision No. 2, City of Columbus, Franklin County, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 4, Page 357, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-007225-00

Property Address: 86-88 North Yale Avenue, Columbus, Ohio 43222

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is developed with up to six two-unit dwellings, each on its own lot, or those uses permitted in the AR-1, Apartment Residential District.

**SECTION 3.** That this ordinance is further conditioned on the subject site being developed in general conformance with the exhibit titled, "**ZONING SITE PLAN FOR YALE AVENUE MULTI-FAMILY DEVELOPMENT**," dated January 5, 2023, and signed by Christopher Tebbe, Engineer 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 of 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 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.

**SECTION 6.** That Ordinance #3074-2021, passed December 6, 2021, be and is hereby repealed.