



## Legislation Details (With Text)

**File #:** 0838-2023      **Version:** 2

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

**File created:** 3/10/2023      **In control:** Zoning Committee

**On agenda:** 4/17/2023      **Final action:** 4/20/2023

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; and 3332.13, R-3 area district requirements, of the Columbus City Codes; for the property located at 1477-1481 26TH AVE. (43211), to permit a two-unit dwelling on each parcel with reduced development standards in the R-3, Residential District (Council Variance #CV22-151).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0838-2023.Attachments.Amended, 2. ORD0838-2023.Attachments, 3. ORD0838-2023.Labels

| Date      | Ver. | Action By                 | Action   | Result |
|-----------|------|---------------------------|--|--------|
| 4/20/2023 | 2    | CITY CLERK                | Attest   |        |
| 4/19/2023 | 2    | MAYOR                     | Signed   |        |
| 4/19/2023 | 2    | MAYOR                     | Signed   |        |
| 4/19/2023 | 2    | MAYOR                     | Signed   |        |
| 4/17/2023 | 2    | COUNCIL PRESIDENT PRO-TEM | Signed   |        |
| 4/17/2023 | 2    | COUNCIL PRESIDENT PRO-TEM | Signed   |        |
| 4/17/2023 | 1    | Zoning Committee          | Accept entire staff report into evidence as an exhibit | Pass   |
| 4/17/2023 | 1    | Zoning Committee          | Approved as Amended                                    | Pass   |
| 4/17/2023 | 1    | Zoning Committee          | Adopt the findings of staff as the findings of Council | Pass   |
| 4/17/2023 | 1    | Zoning Committee          | Amended as submitted to the Clerk                      | Pass   |
| 4/3/2023  | 1    | Zoning Committee          | Waive the 2nd Reading                                  | Pass   |
| 4/3/2023  | 1    | Zoning Committee          | Postponed to Date Certain                              | Pass   |

**Council Variance Application: CV22-151**

**APPLICANT:** Healthy Linden Homes; c/o Emily Long Rayfield; P.O. Box 77499; Columbus, OH 43207.

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

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two undeveloped parcels in the R-3, Residential District that were formerly developed with two-unit dwellings. The requested Council variance will permit a two-unit dwelling on each parcel. A Council variance is required because the R-3 district permits only single-unit

dwelling. Variances to lot width, lot area, and a parking reduction from four required to three provided spaces are included with this 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 guidelines recommend that the design and character of new development, including homes, additions, and garages, be appropriate and based on the principal and nearby structures in terms of height, width, setbacks, lot coverage, and roof pitch. As the proposed two-unit dwellings fits within the larger development pattern of the neighborhood, the request does not introduce an incompatible use to the area.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; and 3332.13, R-3 area district requirements, of the Columbus City Codes; for the property located at **1477-1481 26TH AVE. (43211)**, to permit a two-unit dwelling on each parcel with reduced development standards in the R-3, Residential District (Council Variance #CV22-151).

**WHEREAS**, by application #CV22-151, the owner of property at **1477-1481 26TH AVE. (43211)**, is requesting a Council variance to permit a two-unit dwelling on each parcel 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 on each parcel; and

**WHEREAS**, Section 3312.49(C), Minimum numbers of parking spaces required, requires two parking spaces per dwelling unit, or four spaces for each two-unit dwelling, while the applicant proposes three parking spaces on each parcel; and

**WHEREAS**, Section 3332.05(A)(4), Area district lot width requirements, requires a minimum lot width of 50 feet in the R-3, Residential District, while the applicant proposes to maintain a lot width of 35± feet for each parcel; 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 reduced lot area of 3,675± square feet for each parcel; 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 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 **1477-1481 26TH 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 from the provisions of Sections 3332.035, R-3 residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05(A)(4), Area district lot width requirements; and 3332.13, R-3 area district requirements, of the Columbus City Codes; is hereby granted for the property located at **1477-1481 26TH AVE. (43211)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District; with reduced number of parking spaces from four required spaces to three provided spaces on each parcel; reduced lot width from 50 to 35± feet for each parcel; and reduced lot area from 5,000 square feet to 3,675± square feet for each parcel; said property being more particularly described as follows:

**1477-1481 26TH AVE. (43211)**, being 0.19± acres located on the south side of 26th Avenue, 425± feet east of Cleveland Avenue, and being more particularly described as follows:

1477 26<sup>th</sup> Avenue

Situated in State of Ohio, county of Franklin, and City of Columbus and more fully described as:  
Being Lot Number One Hundred (100) of INNISCREST SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 8, Page 15-B, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-061227

1481 26<sup>th</sup> Avenue

Property is situated in State of Ohio, county of Franklin, and City of Columbus and described as follows:  
Being Lot Number One Hundred One (101) of INNISCREST SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 8, Page 15-B, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-034948

**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 on each parcel, 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 plans titled, "**1477 E 26TH AVE,**" and "**1481 E 26TH AVE,**" and elevations titled, "**EXTERIOR ELEVATIONS - 1477 26TH AVE,**" and "**EXTERIOR ELEVATIONS - 1481 26TH AVE,**" all dated March 10, 2023, and signed by Emily Long Rayfield, 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 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.