



Legislation Text

File #: 1255-2022, **Version:** 1

Council Variance Application: CV21-103

APPLICANT: Aaron Boeke; 930 Franklin Avenue; Columbus, OH 43205.

PROPOSED USE: Single-unit and two-unit dwelling development.

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 applicant proposes a lot split resulting in Tracts 1-4, with new single-unit dwellings on each of the three new lots. An additional single-unit dwelling will be added to the existing single-unit dwelling on Tract 3 to create a two-unit dwelling. A Council variance is required because the R-3 district does not permit two-unit dwellings. The site is located within the boundaries of the *Near East Area Plan* (2005), which supports the development of new infill housing that contributes to a walkable and diverse neighborhood, compatible with existing architecture in the area and with the Plan's housing design guidelines. The proposed uses are compatible with surrounding residential uses and architecture, while the reduced development standards are consistent with recent urban infill developments that have been approved in this neighborhood.

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, Area district lot width requirements; 3332.13, R-3 area district requirements; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.29, Height district, of the Columbus City Codes, for the property located at **930 FRANKLIN AVE. (43205)**, to permit a two-unit dwelling and three single-unit dwellings with reduced development standards in the R-3, Residential District (Council Variance #CV21-103).

WHEREAS, by application #CV21-103, the owner of property at **930 FRANKLIN AVE. (43205)**, is requesting a Council variance to permit a two-unit dwelling and three single-unit dwellings with reduced development standards in the R-3, Residential District.

WHEREAS, Section 3332.035, R-3 residential district, permits single-unit dwellings as the only allowable residential use, while the applicant proposes a two-unit dwelling on Tract 3; and

WHEREAS, Section 3312.49(C), Minimum numbers of parking spaces required, requires 2 parking spaces per dwelling unit, a total of 4 required parking spaces for a two-unit dwelling, while the applicant proposes 3 parking spaces for the two-unit dwelling on Tract 3; and

WHEREAS, Section 3332.05, Area district lot width requirements, requires a lot no less than 50 feet wide, while the applicant proposes reduced lot widths of 35.5± feet for Tract 1 and Tract 2, 49.67± feet for Tract 3, and 39.33± feet for Tract 4; 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 no less than 5,000 square feet in area, while the applicant proposes reduced lot areas of 3,781± square feet for Tract 1 and Tract 2, and 4,641± square feet for Tract 4, pursuant to the lot area calculation in

Section 3332.18(C); and

WHEREAS, Section 3332.26(F), Minimum side yard permitted, requires a minimum side yard of one-sixth the height of a building that exceeds 2.5 stories in height, or 6.7 feet for a 40 foot tall building, while the applicant proposes reduced side yards of 4.8 feet and 5.9 feet along the east and west property lines, respectively, for Tract 3; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a reduced rear yard totaling 21 percent for Tract 3; and

WHEREAS, Section 3332.29, Height district, requires that within a 35-foot height district, no building or structure shall be erected to a height in excess of 35 feet, while the applicant proposes to maintain the existing building on Tract 3 which is 40 feet in height; and

WHEREAS, the Near East Area Commission recommends approval, and

WHEREAS, the City Departments recommend approval because the requested variances will permit residential infill development that is compatible with surrounding residential uses and architecture, and is consistent with other recent infill development projects that have been approved in this neighborhood; and

WHEREAS, this ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **930 FRANKLIN 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 from the provisions of Sections 3332.035, R-3 residential district; 3312.49(C), Minimum numbers of parking spaces required; 3332.05, Area district lot width requirements; 3332.18(C), Basis of computing area; 3332.26, Minimum side yard permitted; 3332.27, Rear yard; and 3332.29, Height district, of the Columbus City Codes, is hereby granted for the property located at **930 FRANKLIN AVE. (43205)**, insofar as said sections prohibit a two-unit dwelling on Tract 3 in the R-3, Residential District; with a parking reduction from 4 to 3 spaces for said two-unit dwelling on Tract 3; lot width reductions from 50 feet to 35.5± feet for Tract 1 and 2, 49.67± feet for Tract 3, and 39.33± feet for Tract 4; reduced lot area from 5,000 square feet to 3,781± for Tract 1 and Tract 2, and 4,641± square feet for Tract 4; reduced side yards from 6.7 feet to 4.6 feet and 5.9 feet along the east and west property lines of Tract 3, respectively; a reduced rear yard from 25 percent to 21 percent for Tract 3; and an increase in building height from 35 feet to 40 feet for the existing building on Tract 3; said property being more particularly described as follows:

930 FRANKLIN AVE. (43205), being 0.52± acres located at the northwest corner of Franklin Avenue and South 19th Street, and being more particularly described as follows:

DESCRIPTION OF 0.112 ACRES; TRACT 1

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of lot 46 of Mitchell, Watson and Morrison Addition, as shown and delineated in Plat Book 2, Page 164 (destroyed by fire and not reproduced), and being

conveyed to Aaron C. Boeke, by deed of record in Instrument Number 202008250125559, Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning, at a rebar set, at the southwesterly corner of said lot 46, the southeasterly corner of lot 45 of said Mitchell, Watson and Morrison Addition, and on the northerly line of Franklin Avenue (50 feet wide, P.B. 2, Pg. 164);

Thence North 03°49'54" East, a distance of 137.00 feet, along the line common to said lots 45 and 46, to a rebar set, at the northerly common corner of said lots 45 and 46, and on the southerly line of Elliot Alley (16 feet wide, P.B. 2, Pg. 164);

Thence South 86°45'51" East, a distance of 35.50 feet, along the line common to said lot 46 and said Elliot Alley, to a rebar set;

Thence South 03°49'54" West, a distance of 137.00 feet, across said lot 46, 4.50 feet westerly, as measured perpendicular, from the easterly line of lot 46, to a rebar set on the line common to said lot 46 and said Franklin Avenue;

Thence North 86°45'51" West, a distance of 35.50 feet, along the line common to said lot 46, and said Franklin Avenue, to the Point of Beginning, containing 0.112 acres more or less and being subject to all easements, restrictions and rights-of-way of record.

DESCRIPTION OF 0.112 ACRES; TRACT 2

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of lots 46 and 47 of Mitchell, Watson and Morrison Addition, as shown and delineated in Plat Book 2, Page 164 (destroyed by fire and not reproduced), and being conveyed to Aaron C. Boeke, by deed of record in Instrument Number 202008250125559, Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for reference, at a rebar set, at the southwesterly corner of lot 46 of said Mitchell, Watson and Morrison Addition, the southeasterly corner of lot 45 of said Mitchell, Watson and Morrison Addition, and on the northerly line of Franklin Avenue (50 feet wide, P.B. 2, Pg. 164);

Thence South 86°45'51" East, a distance of 35.50 feet, along the line common to said lot 46, and said Franklin Avenue, to a rebar set, and the Point of True Beginning;

Thence North 03°49'54" East, a distance of 137.00 feet, across said lot 46, 4.50 feet easterly, as measured perpendicular, from the easterly line of lot 46, to a rebar set, on the northerly line of said lot 46, and on the southerly line of Elliot Alley (16 feet wide, P.B. 2, Pg. 164);

Thence South 86°45'51" East, a distance of 35.50 feet, along the line common to said lots 46 and 47, and said Elliot Alley, to a rebar set;

Thence South 03°49'54" West, a distance of 137.00 feet, across said lot 47, 9.00 feet west, from the original lot line, to a rebar set on the line common to said lot 47 and said Franklin Avenue;

Thence North 86°45'51" West, a distance of 35.50 feet, along the line common to said lots 46 and 47, and said Franklin Avenue, to the Point of True Beginning, containing 0.112 acres more or less and being subject to all easements, restrictions and rights-of-way of record.

DESCRIPTION OF 0.156 ACRES; TRACT 3

Situated in the State of Ohio, County of Franklin, City of Columbus, being all of lot 48, and part of lots 47 and 49 of Mitchell, Watson and Morrison Addition, as shown and delineated in Plat Book 2, Page 164 (destroyed by fire and not

reproduced), and being conveyed to Aaron C. Boeke, by deed of record in Instrument Number 202008250125559, Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning for reference, at a rebar set, at the southwesterly corner of lot 46 of said Mitchell, Watson and Morrison Addition, the southeasterly corner of lot 45 of said Mitchell, Watson and Morrison Addition, and on the northerly line of Franklin Avenue (50 feet wide, P.B. 2, Pg. 164);

Thence South $86^{\circ}45'51''$ East, a distance of 71.00 feet, along the line common to said lots 46 and 47, and said Franklin Avenue, to a rebar set, and the Point of True Beginning;

Thence North $03^{\circ}49'54''$ East, a distance of 137.00 feet, across said lot 47, 9.00 feet westerly, as measured perpendicular, from the easterly line of lot 47, to a rebar set, on the northerly line of said lot 47, and on the southerly line of Elliot Alley (16 feet wide, P.B. 2, Pg. 164);

Thence South $86^{\circ}45'51''$ East, a distance of 49.67 feet, along the line common to said lots 47, 48 and 49, and said Elliot Alley, to a rebar set;

Thence South $03^{\circ}49'54''$ West, a distance of 137.00 feet, across said lot 49, 0.67 feet, from the original lot line, to a rebar set on the line common to said lot 49 and said Franklin Avenue;

Thence North $86^{\circ}45'51''$ West, a distance of 49.67 feet, along the line common to said lots 47, 48 and 49, and said Franklin Avenue, to the Point of True Beginning, containing 0.156 acres more or less and being subject to all easements, restrictions and rights-of-way of record.

DESCRIPTION OF 0.124 ACRES; TRACT 4

Situated in the State of Ohio, County of Franklin, City of Columbus, being part of lot 49 of Mitchell, Watson and Morrison Addition, as shown and delineated in Plat Book 2, Page 164 (destroyed by fire and not reproduced), and being conveyed to Aaron C. Boeke, by deed of record in Instrument Number 202008250125559, Recorder's Office, Franklin County, Ohio and being bounded and more particularly described as follows:

Beginning, at a rebar set, at the northwesterly intersection of Franklin Avenue (50 feet wide, P.B. 2, Pg. 164) and Nineteenth Street (16 feet wide, P.B. 3, Pg. 182), and at the southeasterly corner of said lot 49;

Thence North $86^{\circ}45'51''$ West, a distance of 39.33 feet, along the line common to said lot 49 and said Franklin Avenue, to a rebar set;

Thence North $03^{\circ}49'54''$ East, a distance of 137.00 feet, across said lot 49, 0.67 feet to the original lot line, to a rebar set, on the northerly line of said lot 49, and on the southerly line of Elliot Alley (16 feet wide, P.B. 2, Pg. 164);

Thence South $86^{\circ}45'51''$ East, a distance of 39.33 feet, along the line common to said lots 49, and said Elliot Alley, to a rebar set, at the southwesterly intersection of said Elliot Alley and said Nineteenth Street, and the northeasterly corner of said lot 49;

Thence South $03^{\circ}49'54''$ West, a distance of 137.00 feet, along the line common to said lot 49 and said Nineteenth Street, to the Point of Beginning, containing 0.124 acres more or less and being subject to all easements, restrictions and rights-of-way of record.

Known as 930 Franklin Ave., Columbus, OH 43205

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 dwellings (Tract 3) and three single-unit dwellings (Tracts 1, 2 & 4) 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 plan titled, "**LOT SPLIT PROPOSED PLOT PLANS**," drawn and signed by Aaron Boeke, Applicant, and dated April 21, 2022. 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 adjustment to the plan shall be reviewed and may be approved 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 uses.

SECTION 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.