



Legislation Text

File #: 3297-2022, **Version:** 1

Council Variance Application: CV22-079

APPLICANT: James K. Venable; 319 Linwood Avenue; Columbus, OH 43205.

PROPOSED USE: Three-unit dwelling.

NEAR EAST AREA COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site is developed with a non-conforming two-unit dwelling in the R-3, Residential District. The requested variance will permit conversion of the existing building into a three-unit dwelling. A Council variance is necessary because the R-3 district only permits one single-unit dwelling per lot. Variances to minimum numbers of parking spaces required, lot width, and lot area are included in this request. The site is within the planning area of the *Near East Area Plan* (2005), which does not recommend a land use for this location. However, staff recognizes that the Plan encourages the revitalization of residential areas and that the proposed three-unit dwelling is consistent with the development pattern of the area. Additionally, as the variances legitimize the existing nonconforming conditions of the site and preserves the contributing building, the proposed variances are supportable.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, 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 **319-321 LINWOOD AVE. (43205)**, to permit a three-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-079).

WHEREAS, by application #CV22-079, the owner of the property at **319-321 LINWOOD AVE. (43205)**, is requesting a Variance to permit a three-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 three-unit dwelling; and

WHEREAS, Section 3312.49, Minimum numbers of parking spaces required, requires six parking spaces for a three-unit dwelling, while the applicant proposes to provide three parking spaces; 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 reduced lot width of 35± feet; 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 three-unit dwelling on a lot area of 3,675± square feet (pursuant to lot area calculation in Section 3332.18(C)); and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the three-unit dwelling is consistent with the development pattern of the area, preserves the contributing building, and does not add incompatible

uses 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 **319-321 LINWOOD 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 is hereby granted from the provisions of Sections 3332.035, R-3 residential district; 3312.49, 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 **319-321 LINWOOD AVE. (43205)**, insofar as said sections prohibit a three-unit dwelling in the R-3 Residential District, with a parking space reduction from six required spaces to three spaces; a reduced lot width from 50 to 35 feet; and a reduced lot area from 5,000 to 3,675 square feet; said property being more particularly described as follows:

319-321 LINWOOD AVE. (43205), being 0.11± acres located on the west side of Linwood Avenue, 285± feet south of Bryden Road, and being more particularly described as follows:

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

Being part of Half Section 23, Township No. 5, Range 22, Refugee Lands, and being part of three and two-third (3-2/3) acre tract of land conveyed by Maclee Wilson and others, to Amor W. Sharp, by deed dated November 6, 1935 and recorded in Deed Book 278, Page 277 Recorder's Office, Franklin County, Ohio; and being more particularly bounded and described as follows:

Beginning at an iron pin in the West line of Linwood Avenue, said iron pin being distant Southerly from an iron pin at the intersection of the South line of Bryden Road with the West line of Linwood Avenue 262 feet; thence Westerly at right angle with the West line of Linwood Avenue 129.90 feet to an iron pin in the East line of Maclee Alley; thence Southerly with said East line of Maclee Alley 35 feet to an iron pin; thence easterly at right angles with the West line of Linwood 129.90 feet to an iron pin in the West line of Linwood Avenue; thence Northerly 35 feet to the place of beginning and being known as Parcel Number Twelve (12) of AMOR W. SHARP'S PARCELS as the same is numbered and delineated on the plat on file in the office of the Auditor of Franklin County, Ohio, in Plat Book 4, Page 268, and known as 319-321 Linwood Avenue.

Parcel: 010-045820

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used as a three-unit dwelling, or those uses permitted in the R-3, Residential District.

SECTION 3. That this ordinance is further conditioned upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

SECTION 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.