



## Legislation Details (With Text)

**File #:** 2492-2021      **Version:** 2

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

**File created:** 9/24/2021      **In control:** Zoning Committee

**On agenda:** 10/18/2021      **Final action:** 10/21/2021

**Title:** To grant a Variance from the provisions of Section 3332.035, R-3 residential district; for the property located at 960-962 CHITTENDEN AVE. (43211), to permit a two-unit dwelling in the R-3, Residential District (Council Variance #CV21-087) and to declare an emergency.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2492-2021\_Attachments, 2. ORD2492-2021\_Labels

| Date       | Ver. | Action By             | Action   | Result |
|------------|------|-----------------------|--|--------|
| 10/21/2021 | 2    | CITY CLERK            | Attest   |        |
| 10/20/2021 | 2    | MAYOR                 | Signed   |        |
| 10/18/2021 | 1    | Zoning Committee      | Amended to Emergency                                   | Pass   |
| 10/18/2021 | 1    | Zoning Committee      | Approved as Amended                                    | Pass   |
| 10/18/2021 | 1    | Zoning Committee      | Adopt the findings of staff as the findings of Council | Pass   |
| 10/18/2021 | 2    | COUNCIL PRESIDENT     | Signed   |        |
| 10/11/2021 | 1    | Columbus City Council | Read for the First Time                                |        |

### Council Variance Application CV21-087

**APPLICANT:** Healthy Linden Homes, LLC; c/o Jonathan Alexander, Agent; 946 Parsons Avenue; Columbus, OH 43206.

**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 two-unit dwelling. A Council variance is required because the R-3 district only permits single-unit dwellings. No other variances are included in the request. The request is consistent with both the *South Linden Land Use Plan* (2018), which recommends "Medium Density Residential" land uses and the development pattern along Chittenden Avenue.

To grant a Variance from the provisions of Section 3332.035, R-3 residential district; for the property located at **960-962 CHITTENDEN AVE. (43211)**, to permit a two-unit dwelling in the R-3, Residential District (Council Variance #CV21-087) and to declare an emergency.

**WHEREAS**, by application #CV21-087, the owner of property at **960-962 CHITTENDEN AVE. (43211)**, is requesting a Council variance to permit a two-unit dwelling 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**, the South Linden Area Commission recommends approval; and

**WHEREAS**, the City Departments recommend approval because this request is consistent with both the *South Linden Land Use Plan*, the development pattern of the neighborhood.

**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 **960-962 CHITTENDEN AVE. (43211)**, in using said property as desired;

**WHEREAS**, **an emergency exists in the usual daily operation in the City of Columbus in that it is immediately necessary to pass this ordinance to expedite the timeframe, to get an occupancy permit for new affordable housing for the community for the immediate preservation of the public peace, property, health and safety; now therefore:**

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

**SECTION 1.** That a variance from the provisions of Section 3332.035, R-3 residential district, of the Columbus City Codes, is hereby granted for the property located at **960-962 CHITTENDEN AVE. (43211)**, insofar as said section prohibits a two-unit dwelling in the R-3, Residential District, said property being more particularly described as follows:

**960-962 CHITTENDEN AVE. (43211)**, being 0.17± acres located on the north side of Chittenden Avenue, 122± feet west of Cleveland Avenue, and being more particularly described as follows:

Situated in the State of Ohio, County of Franklin, City of Columbus, and being more fully described as follows: Being Lot Number Thirty Eight (38) and Thirty-Nine (39) of Abram Dow's Heirs Addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 5, Page 454, Recorder's Office, Franklin County, Ohio.

Parcel No.: 010-011184-00

Street Address: 960-962 Chittenden Avenue, 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 upon the applicant obtaining all applicable permits and a Certificate of Occupancy for the proposed use.

**SECTION 4.** That this ordinance further conditioned upon the applicant providing one street tree along the frontage of this site in consultation with the City Forester.

**SECTION 5.** ~~That this ordinance shall take effect and be in force from and after the earliest period allowed by law.~~  
**That for the reasons stated in the preamble hereto, which is hereby made a part hereof, this ordinance is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and approval by the Mayor or 10 days after its passage if the Mayor neither approves nor vetoes the same.**