



## Legislation Details (With Text)

**File #:** 0884-2023      **Version:** 1

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

**File created:** 3/15/2023      **In control:** Zoning Committee

**On agenda:** 4/3/2023      **Final action:** 4/5/2023

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 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 1375 23RD AVE. (43211), to permit a two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-129).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD0884-2023\_Attachments, 2. ORD0884-2023\_Labels

Date	Ver.	Action By	Action	Result
4/5/2023	1	CITY CLERK	Attest	
4/4/2023	1	MAYOR	Signed	
4/4/2023	1	MAYOR	Signed	
4/4/2023	1	MAYOR	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	COUNCIL PRESIDENT	Signed	
4/3/2023	1	Zoning Committee	Waive the 2nd Reading	Pass
4/3/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
4/3/2023	1	Zoning Committee	Approved	Pass
4/3/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass

**Council Variance Application: CV22-129**

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

**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 to be constructed on the site. A Council variance is required because the R-3 district permits only single-unit dwellings. Variances to reduce the lot width and lot area 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, which is consistent with the proposal. *Columbus Citywide Planning Policies* (C2P2) Design Guidelines (2018) recommend that the design and character of new

development, including homes, additions, and garages, be appropriate and reflect the nearby structures in terms of height, width, setbacks, lot coverage, and roof pitch. The Guidelines also call for front porches, parking located to the rear, open space, street trees, and landscaping. Staff finds that the proposal is consistent with the Plan's land use recommendations, C2P2 Design Guidelines, and development pattern in this neighborhood. As the proposal 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; 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 **1375 23RD AVE. (43211)**, to permit a two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-129).

**WHEREAS**, by application #CV22-129, the owner of property at **1375 23RD AVE. (43211)**, is requesting a Council variance to permit a two-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 two-unit dwelling; 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; 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 4,800± square feet; 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 **1375 23RD 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; 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 **1375 23RD AVE. (43211)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District; with a reduced lot width from 50 to 35± feet; and reduced lot area from 5,000 square feet to 4,800± square feet; said property being more particularly described as follows:

**1375 23RD AVE. (43211)**, being 0.11± acres located on the south side of 23rd Avenue, 205± feet east of Cleveland Avenue, and being more particularly described as follows:

Property is situated in State of Ohio, county of Franklin, city of Columbus and more fully described as:

Being Lot Number One Hundred Forty-four (144) of WALDEMERE ADDITION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 10, Page 86, Recorder's Office, Franklin County, Ohio.

Address: 1375 23rd Ave., Columbus, OH 43211

Permanent Parcel No.: 010-060203

**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 on the subject site being developed in general conformance with the site plan titled, "**1375 E 23RD AVE,**" and building elevation titled "**EXTERIOR ELEVATIONS,**" both dated March 10, 2023, and signed by Emily Long Rayfield, 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 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.