



## Legislation Details (With Text)

**File #:** 2952-2022      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 10/26/2022      **In control:** Zoning Committee  
**On agenda:** 11/14/2022      **Final action:** 11/16/2022  
**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 3321.13, R-3 area district requirements, of the Columbus City Codes; for the property located at 1442 FRANKLIN AVE. (43205), to permit a four-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-076).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2952-2022\_Attachments, 2. ORD2952-2022\_Labels

Date	Ver.	Action By	Action	Result
11/16/2022	1	CITY CLERK	Attest	
11/15/2022	1	ACTING MAYOR	Signed	
11/14/2022	1	COUNCIL PRESIDENT	Signed	
11/14/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
11/14/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
11/14/2022	1	Zoning Committee	Approved	Pass
11/7/2022	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV22-076**

**APPLICANT:** Colin Carter; c/o Davide Cugini, Atty.; 35 North Fourth Street, Suite 100; Columbus, OH 43215.

**PROPOSED USE:** Four-unit dwelling.

**NEAR EAST 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 the construction of a four-unit dwelling on this property. A Council variance is necessary because the R-3 district only permits single-unit dwellings. The request includes variances for lot width and lot area. The site is within the planning area of the *Near East Area Plan (2005)*, which does not recommend a specific land use for this location, however, the Plan does state that in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. Staff believes the proposal is compatible to the urban character of the neighborhood as recommended by the Plan, and does not introduce incompatible uses 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 3321.13, R-3 area district requirements, of the Columbus City Codes; for the property located at **1442 FRANKLIN AVE. (43205)**, to permit a four-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-076).

**WHEREAS**, by application #CV22-076, the owner of the property at **1442 FRANKLIN AVE. (43205)**, is requesting a Variance to permit a four-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 to construct a new four-unit dwelling at this location; and

**WHEREAS**, Section 3332.05, Area district lot width requirements, requires lot width of 50 feet in the R-3 district, while the applicant proposes to maintain a lot width of 36 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 four-unit dwelling on a lot of 3,888± square feet pursuant to the lot area calculation in Section 3332.18(C) (actual lot size is 5,508 square feet); and

**WHEREAS**, the Near East Area Commission recommends approval; and

**WHEREAS**, City Departments recommend approval because the requested Council variance will allow a new four-unit dwelling on this lot which is compatible to the urban fabric of the neighborhood as recommended by the *Near East Area Plan*, and does not introduce 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 **1442 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 is hereby granted from the provisions of Sections 3332.035, R-3 residential district; 3332.05(A)(4), Area district lot width requirements; and 3321.13, R-3 area district requirements, of the Columbus City Codes; for the property located at **1442 FRANKLIN AVE. (43205)**, insofar as said sections prohibit a four-unit dwelling in the R-3, Residential District; with a reduced lot width from 50 feet to 36 feet; and reduced lot area from 5,000 square feet to 3,888± square feet; said property being more particularly described as follows:

**1442 FRANKLIN AVE. (43205)**, being 0.13± acres on the north side of Franklin Avenue, 240± feet west of Miller Avenue, and being more particularly described as follows:

Situated in the County of Franklin, State of Ohio, and City of Columbus; Being Lot No. 109 in James Nelson's Addition as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 322, Recorder's Office, Franklin County, Ohio.

Property Address: 1442 Franklin Ave, Columbus, OH 43205.

Parcel No.: 010-050422

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a four-unit dwelling, in accordance with the submitted site plan, 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, "**PLAN // SITE,**" dated October 19, 2022, and signed by Colin Carter, 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 plan 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.