



Legislation Details (With Text)

File #: 0836-2023 **Version:** 1
Type: Ordinance **Status:** Passed
File created: 3/10/2023 **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 1340 21ST AVE. (43211), to permit a two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-133).

Sponsors:

Indexes:

Code sections:

Attachments: 1. ORD0836-2023.Attachments, 2. ORD0836-2023.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: CV22-133

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 new 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 also 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. Additionally, the Plan includes adoption of the *Columbus Citywide Planning Policies (C2P2) Design Guidelines* (2018). The Guidelines recommend that

the design and character of new development, including homes, additions, and garages, be appropriate and based on the principal and nearby structures in terms of height, width, setbacks, lot coverage, and roof pitch. As the proposed two-unit dwelling 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 **1340 21ST AVE. (43211)**, to permit a two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV22-133).

WHEREAS, by application #CV22-133, the owner of property at **1340 21ST 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 40± 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 4,600± 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 **1340 21ST 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 **1340 21ST 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 40± feet; and reduced lot area from 5,000 square feet to 4,600± square feet; said property being more particularly described as follows:

1340 21ST AVE. (43211), being 0.11± acres located on the north side of 21st Avenue, 280± 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 Two Hundred Fifty-Eight (258) in Waldemere, and addition to the City of Columbus, Ohio as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 10, Pages 86 and 87, Recorder's Office, Franklin County, Ohio.

Address: 1340 21st Avenue, Columbus, Ohio 43211

Parcel No.: 010-060502

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, "**1340 E 21ST AVE,**" and the elevations titled, "**EXTERIOR ELEVATIONS**", both dated March 10, 2023, and signed by Emily Long Rayfield, the Applicant. The plans 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.