



## Legislation Details (With Text)

**File #:** 2998-2022      **Version:** 3

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

**File created:** 10/28/2022      **In control:** Zoning Committee

**On agenda:** 11/21/2022      **Final action:** 11/23/2022

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at 1223 E. RICH ST. (43205), to permit a two-unit dwelling and five-unit apartment building on the same lot with a shared rear yard in the R-3, Residential District (Council Variance #CV22-060)...and to declare an emergency. (REPEALED BY ORD. 1825-2024 PASSED 7/1/2024)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD2998-2022.Attachments.Amendment, 2. ORD2998-2022.Attachments, 3. ORD2998-2022.Labels

Date	Ver.	Action By	Action	Result
11/23/2022	3	ACTING CITY CLERK	Attest	
11/22/2022	3	MAYOR	Signed	
11/21/2022	3	COUNCIL PRESIDENT	Signed	
11/21/2022	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
11/21/2022	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
11/21/2022	1	Zoning Committee	Approved as Amended	Pass
11/21/2022	1	Zoning Committee	Amended to Emergency	Pass
11/21/2022	1	Zoning Committee	Amended as submitted to the Clerk	Pass
11/14/2022	1	Zoning Committee	Postponed to Date Certain	Pass
11/7/2022	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV22-060**

**APPLICANT:** Jeffrey Steele; c/o Daniel Mayer; P.O. Box 12802; Columbus, OH 43212.

**PROPOSED USE:** Two-unit dwelling and five-unit apartment building.

**NEAR EAST AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site is undeveloped in the R-3, Residential District. The requested Council variance will permit the development of a two-unit dwelling and five-unit apartment building with a shared rear yard. A Council variance is necessary because the R-3 district only permits one single-unit dwelling per lot. The site is within the boundaries of the *Near East Area Plan (2005)*, which does not recommend a specific land use at this location, but states that the overall goal for incorporating new construction into the neighborhood is compatibility achieved through quality design, and that parking should be placed behind buildings and screened appropriately. The

Planning Division staff is in support of the proposed elevations, as the request includes design elements that are compatible with surrounding structures, and consistent with the design recommendations of the *Near East Area Plan*.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1223 E. RICH ST. (43205)**, to permit a two-unit dwelling and five-unit apartment building on the same lot with a shared rear yard in the R-3, Residential District (Council Variance #CV22-060 )...and to declare an emergency.

**WHEREAS**, by application #CV22-060, the owner of the property at **1223 E. RICH ST. (43205)**, is requesting a Variance to permit a two-unit dwelling and five-unit apartment building on the same lot with a shared rear yard in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3 residential district, permits only one single-unit dwelling per lot, while the applicant proposes a two-unit dwelling and five-unit apartment building on the same lot; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the lot area for each dwelling, while the applicant proposes for the two-unit dwelling and five-unit apartment building to share the required rear yard; and

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

**WHEREAS**, City Departments recommend approval because the requested variances would permit a development consistent in character and scale with residential buildings on surrounding properties, and with the design recommendations of the *Near East Area Plan*; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed uses; 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 **1223 E. RICH ST. (43205)**, 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 due to the need to allow for submission of building permit approval so construction can start before the end of 2022 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 is hereby granted from the provisions of Sections 3332.035, R-3 residential district; and 3332.27, Rear yard, of the Columbus City Codes, for the property located at **1223 E. RICH ST. (43205)**, insofar as said sections prohibit a two-unit dwelling and five-unit apartment building on the same lot in the R-3, Residential District; with the dwelling and apartment building sharing the required rear yard; said property being more particularly described as follows:

**1223 E. RICH ST. (43205)**, being 0.21± acres located at the southeast corner of East Rich Street and Wilson Avenue, and being more particularly described as follows:

Situated in the City of Columbus, in the County of Franklin, and in the State of Ohio:

A small tract of land being all of Lot 27 and the west part of Lot 28 of the Robert R. Stewart Addition in Franklin County, Ohio as recorded in Plat book 2, Pages 275°276, except therefrom the south 50.00 feet and more particularly described by metes and bounds as follows;

Beginning at 5/8 inch rebar set with cap at the northwest corner of Lot 27, as recorded in the Franklin County Records;

Thence, North 89 degrees 00 minutes 00 seconds East, along the south line of Rich Street, 53.25 feet, to a 5/8 inch rebar set with cap; Thence, leaving said south line, South 00 degrees 04 minutes 35 seconds East 80.00 feet to a 5/8 inch rebar set with cap;

Thence, South 89 degrees 00 minutes 00 seconds West, 53.25 feet, to a 5/8 inch rebar with cap; Thence North 00 degrees 04 minutes 35 seconds West, along the line between Lots 26 & 27, 80.00 feet, to the point of beginning;

Containing 0.098 acres, more or less, all in Franklin County, Ohio.

Parcel No.010-008316-00

**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 and five-unit apartment building on one lot, 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, "**OLDE TOWNE EAST TOWNHOMES,**" and elevations titled, "**EXTERIOR ELEVATIONS, SHEETS 1-3,**" all dated October 25, 2022, and signed by Daniel Mayer, Agent and Architect for 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 plan shall be subject to review and approval by the Director of the Department of 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 on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed uses.

**SECTION 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

**SECTION 6.** 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.