



## Legislation Details (With Text)

**File #:** 3350-2023      **Version:** 1

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

**File created:** 11/17/2023      **In control:** Zoning Committee

**On agenda:** 12/11/2023      **Final action:** 12/14/2023

**Title:** To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3349.03, Permitted uses; 3332.13, R-3 area district requirements; 3332.05(A)(4), Area district lot width requirements; 3332.19, Fronting; 3332.27, Rear yard; and 3332.38(F), Private garage, of the Columbus City Codes; for the property located at 1659 FRANKLIN PARK SOUTH (43205), to allow two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District and I, Institutional District, and to repeal Ordinance #2834-95 (CV95-049), passed December 18, 1995 (Council Variance #CV23-066).

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. ORD3350-2023\_Attachments, 2. ORD3350-2023\_Labels

Date	Ver.	Action By	Action	Result
12/14/2023	1	ACTING CITY CLERK	Attest	
12/13/2023	1	MAYOR	Signed	
12/11/2023	1	Zoning Committee	Accept entire staff report into evidence as an exhibit	Pass
12/11/2023	1	Zoning Committee	Adopt the findings of staff as the findings of Council	Pass
12/11/2023	1	Zoning Committee	Approved	Pass
12/11/2023	1	COUNCIL PRESIDENT	Signed	
12/4/2023	1	Columbus City Council	Read for the First Time	

**Council Variance Application: CV23-066**

**APPLICANT:** 1659 South Franklin, LLC; c/o Jon Stevenson, Atty.; 250 East Town Street, Suite 200; Columbus, OH 43215.

**PROPOSED USE:** Two single-unit dwellings on one lot.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one undeveloped parcel predominantly zoned in the R-3, Residential District, with a small portion of the parcel zoned in the I, Institutional District. A building permit has been approved for a new single-unit dwelling and a slab for a future rear detached two-car garage. The requested Council variance will allow construction of the garage with a single-unit dwelling above (a carriage house) A variance is required because the R-3, Residential District only allows one single-unit dwelling, and the I, Institutional District does not allow single-unit residential development. Variances for lot size, lot width, frontage, rear yard, and garage size are included in this request. The site is within the planning boundaries of the *Near East Area Plan* (2005), which does not contain a specific land use recommended for the site. The Plan does state that, in general, housing

types and density should be consistent with those found in the surrounding area. Staff believes the proposal is compatible with the development pattern along Franklin Park South, and does not introduce incompatible uses to the area. Staff also notes that there is no net gain in density as this site was approved for a two-unit dwelling under Ordinance #2834-95 (CV95-049), but that proposal did not come to fruition.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3349.03, Permitted uses; 3332.13, R-3 area district requirements; 3332.05(A)(4), Area district lot width requirements; 3332.19, Fronting; 3332.27, Rear yard; and 3332.38(F), Private garage, of the Columbus City Codes; for the property located at **1659 FRANKLIN PARK SOUTH (43205)**, to allow two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District and I, Institutional District, and to repeal Ordinance #2834-95 (CV95-049), passed December 18, 1995 (Council Variance #CV23-066).

**WHEREAS**, by application #CV23-066, the owner of property at **1659 FRANKLIN PARK SOUTH (43205)**, is requesting a Council variance to allow two single-unit dwellings on one lot with reduced development standards in the R-3, Residential District and I, Institutional District; and

**WHEREAS**, Section 3332.035, R-3 residential district, only allows one single-unit dwelling per lot, while the applicant proposes two single-unit dwellings on one lot; and

**WHEREAS**, Section 3349.03, Permitted uses, prohibits single-unit dwellings, while the applicant proposes a two single-unit dwellings on one lot; 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 two single-unit dwellings on a lot that contains 5,955± square feet, or 2,977± square feet per dwelling, pursuant to the lot area calculation in Section 3332.18(C); 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 reduced lot width of 40 feet; and

**WHEREAS**, Section 3332.19, Fronting, requires a dwelling unit to front on a public street, while the applicant proposes that the carriage house dwelling front upon an alley; and

**WHEREAS**, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area for each dwelling, while the applicant proposes no rear yard for the carriage house dwelling; and

**WHEREAS**, Section 3332.38(F), Private garage, requires no portion of the lot area devoted to a private garage or a carport to exceed the greater of 720 square feet, or one-third of the minimum net floor area for living quarters of the principal residence, while the applicant proposes increased garage space of 723 square feet for the new detached garage; and

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

**WHEREAS**, the City Departments recommend approval because this request is consistent with the land use recommendations and site design of the *Near East Area Plan*, and does not introduce an incompatible use to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed rear dwelling; and

**WHEREAS**, said variances will not adversely affect the surrounding property or surrounding neighborhood; and

**WHEREAS**, the granting of said variances 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 **1659 FRANKLIN PARK SOUTH (43205)**, in using said property as desired; now, therefore:

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

**SECTION 1.** That the variances from the provisions of Sections 3332.035, R-3 residential district; 3349.03, Permitted uses; 3332.13, R-3 area district requirements; 3332.05(A)(4), Area district lot width requirements; 3332.19, Fronting; 3332.27, Rear yard; and 3332.38(F), Private garage; of the Columbus City Codes; for the property located at **1659 FRANKLIN PARK SOUTH (43205)**, insofar as said sections prohibit two single-unit dwellings on one lot in the R-3, Residential District and I, Institutional District; with reduced lot area from 5,000 square feet to 2,977 square feet; reduced lot width from 50 feet to 40 feet; no frontage on a public street for the rear dwelling; no rear yard provided for the rear dwelling; and an increased private garage size from 720 square feet to 723 square feet; said property being more particularly described as follows:

**1659 FRANKLIN PARK SOUTH (43205)**, being 0.14± acres located on the south side of Franklin Park South, 275± west of Morrison Avenue, and being more particularly described as follows:

Situated in State of Ohio, County of Franklin and City of Columbus and more fully described as:

**TRACT ONE:**

Being Lot Number Sixteen (16) in Maynards' Fair Avenue Addition, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 7, page 157, Recorder's Office, Franklin County, Ohio.

**TRACT TWO:**

Containing 0.0198 acre (861 square feet) of land, more or less, being part of a Fifteen (15) foot wide alley as the same is designated and delineated on the plat of Maynards' Fair Avenue Addition, of record in Plat Book 7, page 157, Recorder's Office, Franklin County, Ohio, said 0.0198 acre tract of land being more particularly described as follows:

Beginning, for reference, at a point in the Southerly line of Franklin Park South (60 feet in width) at the Northwesterly corner of Lot NO. 16, the Northwesterly corner of Lot No. 15, both being numbered and delineated on the plat of said Marnards' Fair Avenue Addition; thence South 4 degrees 10' 00'' West, with a Westerly line of said Lot No. 16, the Easterly line of said Lot No. 15, a distance of 91.67 feet to a ¾'' iron pin (found) in the Northerly line of said Fifteen (15) foot wide alley at a Southwesterly corner of said Lot No. 16, the Southeasterly corner of said Lot No. 15, being the True Point of Beginning;

Thence, from said True Point of Beginning, South 86 degrees 17' 42'' East, with the Northerly line of said Fifteen (15) foot wide alley, a Southerly line of said Lot No.16, a distance of 15.00 feet to an iron pin (set) at a Northwesterly corner of said Fifteen (15) foot wide alley;

Thence South 4 degrees 10' 00'' West, with an Easterly line of said Fifteen (15) foot wide alley, a Westerly line of said Lot No.16, a distance of 57.50 feet to an iron pin (set) in a Northerly line of a Twenty (20) foot wide alley at a Southwesterly corner of said Lot No. 16;

Thence North 85 degrees 46' 40'' West, with the Northerly line of said Twenty (20) foot wide alley extended Westerly, crossing said Fifteen (15) foot wide alley, a distance of 15.00 feet to an iron pin (set) in the Westerly line of said Fifteen (15) wide alley;

Thence North 4 degrees 10' 00'' East, with the Westerly line of said Fifteen (15) foot wide alley, with the westernmost line of said Lot No. 16 extended Southerly, a distance of 57.37 feet to the True Point of Beginning and containing 0.0198 acre (861 square feet) of land, more or less.

All iron pins denoted as "set" are 5/8 (I.D.) x 30'' Iron pipe plugged with a plastic cap stamped "ELSCO S5519" and have been set by Erlenbach Land Surveying Company. All iron pins denoted as "found" have been set by others.

The basis of bearing is the Westerly line of said Lot No. 16, the Easterly line of Lot No. 15 of Maynards' Fair Avenue Addition, being North 4 degrees 10' 00'' East (assumed) and should be used to measure angles only.

The foregoing description was prepared from information obtained from existing deed, plat and survey information also an actual field survey of the premises in accordance with Chapter 4733-37, Ohio Administrative Code, by Erlenbach Land Surveying Co., Gary L. Erlenbach, R.S. #5519.

Parcel No.: 010-0546601

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two single-unit dwellings on one lot, or those uses allowed 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 and building elevations titled, "**SITE PLAN**," dated November 15, 2023, and signed by Jon Stevenson, Attorney 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 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 rear dwelling.

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

**SECTION 6.** That Ordinance #2834-95 (CV95-049), passed December 18, 1995, be and is hereby repealed.