



## Legislation Text

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**File #:** 2085-2023, **Version:** 1

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**Council Variance Application: CV23-053**

**APPLICANT:** Eric Weisgarber; c/o Zachary Splain, Atty.; 6059 Frantz Road, Suite 201; Dublin, OH 43017.

**PROPOSED USE:** Conform an existing two-unit dwelling.

**SOUTH LINDEN AREA COMMISSION RECOMMENDATION:** Approval.

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of one lot developed with a two-unit dwelling in the R-3, Residential District. The applicant is requesting a Council variance to conform the existing two-unit dwelling. A Council variance is required because the R-3 district permits only single-unit dwellings. Variances to reduce the lot width and side yards, and increase the lot area are also included with this request. The request is consistent with the *South Linden Land Use Plan's* (2018) recommendation for "Low-Medium Density Residential" uses at this location, and does not add 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 3332.26(B), Minimum side yard permitted, for the property located at **2266-2268 HIAWATHA PARK DR. (43232)**, to conform an existing two-unit dwelling with reduced development standards in the R-3, Residential District (Council Variance #CV23-053).

**WHEREAS**, by application #CV23-053, the owner of property at **2266-2268 HIAWATHA PARK DR. (43232)**, is requesting a Council variance to conform to an existing two-unit dwelling with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, Residential District, prohibits a two-unit dwelling, while the applicant proposes to conform their existing two-unit dwelling so that they will be able rebuild as a two-unit dwelling in the event that 50% of the premise is damaged; 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 41± feet; and

**WHEREAS**, Section 3332.26(B), Minimum side yard permitted, requires a minimum side yard width of five feet in the R-3, Residential District, while the applicant proposes reduced side yards of south side yard to 4.1± feet and 4.9± feet for the south and north side yards, respectively; and

**WHEREAS**, the South Linden Area Commission recommends approval of said zoning change; and

**WHEREAS**, City Departments recommend approval of the requested variance as the proposal conforms the existing two-unit dwelling and existing conditions, and does not add incompatible uses to the area; 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 **2266-2268 HIAWATHA PARK DR. (43232)**, 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 3332.26(B), Minimum side yard permitted, of the Columbus City Codes; is hereby granted for the property located at **2266-2268 HIAWATHA PARK DR. (43232)**, insofar as said sections prohibit a two-unit dwelling in the R-3, Residential District; with a reduced lot width from 50 to 41± feet; and reduced side yards from 5 to 4.1± feet and 4.9± feet for the southern and northern side yards, respectively; said property being more particularly described as follows:

**2266-2268 HIAWATHA PARK DR. (43232)**, being 0.12± acres located on the east side of Hiawatha Park Drive, 200± feet north of East Maynard Avenue, and being more particularly described as follows:

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

Being Lot Number Five Hundred Fifty-Three (553) of GRASMERE GARDEN SUBDIVISION, as the same is numbered and delineated upon the recorded plat thereof, of record in Plat Book 15, Page 2, Recorder's Office, Franklin County, Ohio.

Property Address: 2266-2268 Hiawatha Park Drive Columbus, OH 43211  
Parcel Number: 010-075316-00

**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, or those uses permitted in the R-3, Residential District.

**SECTION 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.