



Legislation Text

File #: 1825-2024, **Version:** 1

Council Variance Application: CV24-012

APPLICANT: Jonathan Barns, JBAD; c/o David Hodge, Atty.; 8000 Walton Parkway, Suite 260; New Albany, OH 43054.

PROPOSED USE: Multi-unit residential development.

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 allow two multi-unit residential buildings, totaling nine dwelling units, as shown on the submitted site plan. Council variance #CV22-060, Ordinance #2998-2022, passed on November 21, 2022, allowed a seven-unit residential development at this location, and will be replaced by this proposal. A variance is required because the R-3 district only allows single-unit dwellings. Variances to reduce required parking (from 14 to nine spaces), vision clearance, lot coverage, building setback lines, and side and rear yards are also included in the request. The site is located within the boundaries of the *Near East Area Plan* (2005), which does not include a specific land use recommendation for this location. The Plan does state that residential development should be consistent with housing types and densities of adjacent residential uses. Staff finds the requested variances to be supportable as they are consistent with the surrounding development pattern in the area, and notes the site's adjacency to East Main Street, which is recommended for higher density residential development, and is identified as a primary corridor by LinkUs and included in the first phase of the Zone-In Columbus initiative.

To grant a Variance from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Required parking; 3321.05(B)(1)(2), Vision Clearance; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **1293 E. RICH ST. (43205)**, to allow multi-unit residential development with reduced development standards in the R-3, Residential District, and to repeal Ordinance #2998-2022, passed November 21, 2022 (CV22-060) (Council Variance #CV24-012).

WHEREAS, by application #CV24-012, the owner of property at **1293 E. RICH ST. (43205)**, is requesting a Council variance to allow a multi-unit residential development with reduced development standards in the R-3, Residential District; and

WHEREAS, Section 3332.035, R-3 residential district, allows only one single-unit dwelling per lot, while the applicant proposes two residential buildings totaling nine dwelling units, as shown on the submitted site plan; and

WHEREAS, Section 3312.49 Required parking, requires 1.5 parking spaces per dwelling unit, or 14 spaces for nine units, while the applicant proposes nine total spaces; and

WHEREAS, Section 3321.05(B)(1)(2), Vision clearance, requires clear vision triangles of 10 feet at the intersections of streets and alleys, and 30 feet at the intersection of two streets, while the applicant proposes a seven foot clear vision triangle at the intersection of Wilson Avenue and the alley, and a 15 foot clear vision triangle at the southwest corner of

the intersection of East Rich Street and Wilson Avenue; and

WHEREAS, Section 3332.18(D), Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes increased lot coverage of 63 percent; and

WHEREAS, Section 3332.21, Building lines, requires the building setback line to be 25 feet, while the applicant proposes a reduced building setback lines of one foot from East Rich Street and Wilson Avenue; and

WHEREAS, Section 3332.25, Maximum side yards required, requires that the sum of the widths of the side yards equal or exceed 20 percent of the width of the lot, or 16 feet for a lot width of 106.29 feet, while the applicant proposes a reduced maximum side yard of four feet for Building 2; and

WHEREAS, Section 3332.26(F), Minimum side yard permitted, requires a side yard of no less than one-sixth of the height of the building for buildings over two and one-half stories in height, or five feet for a building with a height of 30 feet, while the applicant proposes reduced minimum side yards of three feet along the western property line for Building 1, and from five feet to three feet along the southern property line for Building 2; and

WHEREAS, Section 3332.27, Rear yard, requires a rear yard totaling no less than 25 percent of the total lot area, while the applicant proposes a shared rear yard for the proposed buildings of 14 percent of the total lot area; and

WHEREAS, the Near East Area Commission recommends approval; and

WHEREAS, the City Departments recommend approval because the proposal is consistent with housing types and densities in the neighborhood, and notes the adjacency to the East Main Street Corridor which is recommended for higher density residential development, and included in the first phase of the Zone-In initiative. The request does not introduce an incompatible use the area; and

WHEREAS, this ordinance requires separate submission for all applicable permits and a Certificate of Occupancy for the proposed development; 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 **1293 E. RICH ST. (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 from the provisions of Sections 3332.035, R-3 residential district; 3312.49, Required parking; 3321.05(B)(1)(2), Vision Clearance; 3332.18(D), Basis of computing area; 3332.21, Building lines; 3332.25, Maximum side yards required; 3332.26(F), Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **1293 E. RICH ST. (43205)**, insofar as said sections prohibit a multi-unit residential development in the R-3, Residential District, with a parking space reduction from 14 to nine spaces; reduced clear vision triangles from 10 to seven feet at the intersection of Wilson Avenue and the alley along the southern property line, and from 30 to 15 feet at the southwest corner of the intersection of East Rich Street and Wilson Avenue; increased lot coverage from 50 to 63 percent; reduced building setback lines from 25 feet to one foot along East Rich Street and Wilson Avenue; a reduced maximum required side yard from 16 to four feet for Building 2; a reduced minimum side yard from five to three feet along the western property line for Building 1, and to three feet along the

southern property line for Building 2; and a reduced rear yard from 25 to 14 percent for the proposed buildings to share; said property being more particularly described as follows:

1293 E. RICH ST. (43205), being 0.32± acres located on the southwest corner of East Rich Street and Wilson Avenue, and being more particularly described as follows:

Tract 1:

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.

Tract 2:

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

A small tract being all of Lot 29 and the east 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 and more particularly described by metes and bounds as follows;

Beginning at 5/8 inch rebar set with cap at the northeast corner of Lot 29, as recorded in the Franklin County Records;

Thence, South 00 degrees 04 minutes 35 seconds East, along the west line of Wilson Avenue, 80.00 feet, to a 5/8 inch rebar set with cap;

Thence, leaving said west line, South 89 degrees 00 minutes 00 seconds West 53.25 feet to a 5/8 inch rebar set with cap;

Thence, North 00 degrees 04 minutes 35 seconds West, 80.00 feet, to a 5/8 inch rebar with cap in the south line of Rich Street;

Thence North 89 degrees 00 minutes 00 seconds East, 53.25 feet, to the point of beginning;

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

Tract 3:

Situated in the State of Ohio, in the County of Franklin and State of Ohio.

Being fifty (50) feet off the south side of Lots Numbers Twenty-Seven (27), Twenty-Eight (28), and Twenty-Nine (29), in

Robert R. Stewart's Addition as the same are numbered and delineated upon the recorded plat thereof, of record in Plat Book 2, Page 275, Recorder's Office, Franklin County, Ohio.

Address: 1293 East Rich Street, Columbus, Ohio 43205

Parcel No.: 010-008316

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for a multi-unit residential development with up to nine units as reflected on the 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, “**ARCHITECTURAL SITE PLAN**,” and building elevations titled, “**EXTERIOR BUILDING ELEVATIONS - BLDG 1**,” “**EXTERIOR BUILDING ELEVATIONS - BLDG 2**,” and “**EXTERIOR BUILDING ELEVATIONS - DETACHED GARAGE**,” all dated May 31, 2024, and signed by Eric Zartman, 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 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 a Certificate of Occupancy for the proposed development.

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 #2998-2022 (CV22-060), passed November 21, 2022, be and is hereby repealed.