



Legislation Text

File #: 3398-2023, Version: 1

Council Variance Application: CV23-033

APPLICANT: 30 German Village, LLC; c/o Dave Perry, Agent; David Perry Company; 411 East Town Street, 1st Floor; Columbus, OH 43215, and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, 2nd Floor; Columbus, OH 43215.

PROPOSED USE: Three single-unit dwellings on one lot.

GERMAN VILLAGE COMMISSION RECOMMENDATION: Approval.

CITY DEPARTMENTS' RECOMMENDATION: Approval. The site consists of three parcels developed with a commercial building and factory, office, and warehouse, all zoned in the R-2F, Residential District. The requested Council variance will allow the applicant to convert the buildings into single-unit dwellings, while combining the lots into one. A variance is required because the R-2F district does not allow three single-unit dwellings on the same lot. Variances to lot coverage, fronting, side yards and rear yard are included in this request. While there is no Council adopted land use at this location, Staff supports the request as residential uses are compatible with neighboring uses and the existing development pattern of the area.

To grant a Variance from the provisions of Sections 3332.037, R-2F, residential district; 3332.18, Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes; for the property located at **30 E. COLUMBUS ST. (43206)**, to allow three single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District (Council Variance #CV23-033).

WHEREAS, by application #CV23-033, the owner of property at **30 E. COLUMBUS ST. (43206)**, is requesting a Council Variance to allow three single-unit dwellings on one lot with reduced development standards in the R-2F, Residential District; and

WHEREAS, Section 3332.037, R-2F, residential district, permits one single- or one two-unit dwelling, while the applicant proposes three single-unit dwellings on the same lot; and

WHEREAS, Section 3332.18, Basis of computing area, prohibits buildings from occupying more than 50 percent of the lot area, while the applicant proposes to increase the lot coverage to 58 percent; and

WHEREAS, Section 3332.19, Fronting, requires a dwelling unit to have frontage on a public street, while the applicant proposes three single-unit dwellings on a lot with no public street frontage, but rather fronting on two public alleys; and

WHEREAS, Section 3332.25, Maximum side yards required, requires the sum of the widths of the side yards to be a minimum of 16 feet, while the applicant proposes to maintain a maximum side yard of four feet; and

WHEREAS, Section 3332.26, Minimum side yard permitted, requires a minimum side yard of five feet, while the applicant proposes to maintain a side yard of one foot along the eastern property line and three feet along the western

property line; 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 no rear yard; and

WHEREAS, the German Village Commission recommends approval; and

WHEREAS, City Departments recommend approval of the requested Council variance because the proposed dwellings are consistent with the existing land use and development pattern of the area, and do not add incompatible uses; and

WHEREAS, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed dwellings; 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 owner of the property located at **30 E. COLUMBUS ST. (43206)**, 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 3332.037, R-2F, residential district; 3332.18, Basis of computing area; 3332.19, Fronting; 3332.25, Maximum side yards required; 3332.26, Minimum side yard permitted; and 3332.27, Rear yard, of the Columbus City Codes, is hereby granted for the property located at **30 E. COLUMBUS ST. (43206)**, insofar as said sections prohibit a three single-unit dwellings on one lot in the R-2F, Residential District; with an increase in lot coverage from 50 to 58 percent; no frontage on a public street; reduced maximum side yards from 16 feet to four feet; reduced minimum side yard from five feet to one foot along the eastern property line and three feet along the western property line; and no rear yard, said property being more particularly described as follows:

30 E. COLUMBUS ST. (43206), being 0.21± acres located at the northeast corner of East Columbus Street and South Pearl Street, and being more particularly described as follows:

Legal Description, 0.21 acres:

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

Being the Southwestern part of Lot Number Twenty (20) of C. F. JAEGER'S SECOND ADDITION to the City of Columbus, Ohio, as the said Lot is numbered and delineated upon the recorded plat thereof, of record in Deed Book 38, Page 402, Recorder's Office, Franklin County, Ohio, and being more particularly described as follows:

Beginning at an iron pipe in the Southwestern corner of Lot 20 of said C. F. Jaeger's Second Addition, being also the north line of Columbus Street and the east line of Pearl Street; thence easterly, along the north line of said Columbus Street, 68.25 feet to an iron pipe; thence northerly on a line parallel to the east line of Pearl Street, 62.50 feet to an iron pipe; thence westerly on a line parallel with the north line of Columbus Street, 68.25 feet to an iron pipe in the east line of Pearl Street; thence along the east line of Pearl Street, southerly 62.60 feet to the place of beginning. Said premises known as the west half of Lot No. 20, except 25.50 fee off the east end of the west half of said Lot 20, leaving 68.25 feet off the west half of said Lot 20.

Parcel Number: 010-029014-00

Property Address: 30 East Columbus Street, Columbus, OH 43206

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

Being a part of the westerly half of Lot Number Twenty (20) of C. F. JAEGER'S SECOND ADDITION to the City of Columbus. Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Deed Book 38, Page 403, Recorder's Office, Franklin County, Ohio, and being better bounded and described as follows, to wit:

Beginning at an iron pipe in the North line of Columbus Street, said iron pipe being easterly 68.25 feet distant from the Southwest corner of said Lot No. 20 and the Northeast intersection of Columbus Street and Pearl Alley; thence Northerly and parallel to the East line of said Pearl Alley 62.60 feet to an iron pipe, thence easterly and parallel to the North line of Columbus Street 25.50 feet to an iron pipe; thence Southerly and on a line parallel to the East line of Pear Alley 62.60 feet to an iron pipe in the north line of Columbus Street; thence along the north line of said Columbus Street 25.50 feet westerly to the place of beginning.

Parcel Number: 010-028995-00

Property Address: 40 East Columbus Street, Columbus, OH 43206

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

Being a part of the southwesterly part of Lot Number Nineteen (19) of C. F. JAEGER'S SECOND ADDITION to the City of Columbus. Ohio, as the same is numbered and delineated upon the recorded plat thereof, of record in Deed Book 38, Page 403, Recorder's Office, Franklin County, Ohio, and being better bounded and described as follows, to wit:

Beginning at an iron pipe, said pipe being in the East line of Pearl Alley and located at the Southwest corner of Lot No. 19 of said Jaeger's 2nd Addition; thence Easterly 93.75 feet to an iron pipe, thence on a line parallel to said Pearl Alley, Northerly 31.30 feet to an iron pipe; thence Westerly 93.75 feet to an iron pipe; thence Southerly with the East line of said Pearl Alley 31.30 feet to the place of beginning.

Parcel Number: 010-029012-00

Property Address: 762 South Pearl Street, Columbus, OH 43206

SECTION 2. That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for three single-unit dwellings on one lot, or those uses permitted in the R-2F, Residential District.

SECTION 3. That this ordinance is further conditioned on the Subject Site being developed in general conformance with a the site plan titled, "**30 E COLUMBUS LLC**," dated June 21, 2023, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, Attorney for the applicant. The Plan 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 upon the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed dwellings.

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