



## Legislation Text

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**File #:** 1391-2019, **Version:** 2

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### **Council Variance Application: CV19-028**

**APPLICANT:** Integrity Trust Homes, LLC; c/o Dave Perry, Agent; Dave Perry Company, Inc.; 411 East Town Street, First Floor; and Donald Plank, Atty.; Plank Law Firm; 411 East Town Street, Second Floor; Columbus, OH 43215.

**PROPOSED USE:** Two two-unit dwellings.

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

**CITY DEPARTMENTS' RECOMMENDATION:** Approval. The site consists of two parcels, one developed with a single-unit dwelling, and one undeveloped, in the R-3, Residential District. The applicant proposes to demolish the existing dwelling and construct a two-unit dwelling on each parcel. Included in this request is a variance to reduce the required lot width for each parcel. The site is within the planning area of the *Near East Area Plan (2005)*, which does not recommend a land use for this location. The Plan does state that, in general, housing types and density should be consistent with the housing types and densities found in the surrounding area. Staff believes the proposal is compatible with the urban character of the neighborhood as recommended by the Plan and does not introduce incompatible uses to the area as there are several two-unit dwellings in this neighborhood.

To grant a Variance from the provisions of Sections 3332.035, R-3, residential district; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; and 3332.21(F), Building lines, of the Columbus City Codes; for the property located at **1432 OAK STREET (43205)**, to permit a two-unit dwelling on each of two contiguous parcels with reduced development standards in the R-3, Residential District (Council Variance #CV19-028) **and to declare an emergency.**

**WHEREAS**, by application #CV19-028, the owner of the property at **1432 OAK STREET (43205)**, is requesting a Variance to permit a two-unit dwelling on each of two contiguous parcels with reduced development standards in the R-3, Residential District; and

**WHEREAS**, Section 3332.035, R-3, residential district, lists single-unit dwellings as the only permitted residential use, while the applicant proposes a two-unit dwelling on each of two contiguous parcels; 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 lot widths of 36 feet for each 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-unit dwellings on lots that are 3,888± square feet pursuant to the lot area calculation in Section 3332.18(C) (actual lots are 5,486.4 square feet each); and

**WHEREAS**, Section 3332.21(F), Building lines, requires the building setback line to be the average distance of building setbacks on contiguous lot or parcels, or 22.5 feet based on adjacent buildings to the east and west, while the applicant proposes a building line of 18 feet along Oak Street for each lot; and

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

**WHEREAS**, City Departments recommend approval because the requested Council will allow two-unit dwellings on each lot which are compatible with the urban fabric of the neighborhood as recommended by the *Near East Area Plan*, and does not introduce incompatible uses to the area; and

**WHEREAS**, said ordinance requires separate submission for all applicable permits and Certificates of Occupancy for the proposed use; 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 **1432 OAK STREET (43205)**, in using said property as desired;

**WHEREAS**, an emergency amendment is requested to allow time for completion of outdoor work during construction season and allow the condominium units to be available for sale by mid October 2019; 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; 3332.05(A)(4), Area district lot width requirements; 3332.13, R-3 area district requirements; and 3332.21(F), Building lines, of the Columbus City Codes; for the property located at **1432 OAK STREET (43205)**, insofar as said sections prohibit two-unit dwellings in the R-3, Residential District, with reduced lot width from 50 to 36 feet; reduced lot area from 5,000 to 3,888 square feet; and reduced building lines from 22.5 to 18 feet; said property being more particularly described as follows:

**1432 OAK STREET (43205)**, being 0.26± acres located on the north side of Oak Street, 345± feet west of Miller Avenue, and being more particularly described as follows:

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

Being Lot Numbers One Hundred Thirty-Seven (137) and One Hundred Thirty Eight (138) of JAMES NELSON'S SUBDIVISION of part of Half Sections No. 22 and 23, Township 5, Range No. 22, Refugee Lands, as an addition to the said City, as the same is numbered and delineated upon the recorded plat thereof, of record, in Plat Book 2, Page 322, Recorder's Office, Franklin County, Ohio.

Franklin County Auditor Parcel Numbers: 010-040625-00 and 010-013437-00  
Property Address: 1432 and 1436 Oak Street, Columbus, OH 43205

**SECTION 2.** That this ordinance is conditioned on and shall remain in effect only for so long as said property is used for two-unit dwellings in accordance with the submitted 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 plans titled, "**1432 OAK ST SHEET 1 OF 2**," and "**1432 OAK ST SHEET 2 OF 2**," both dated May 9, 2019, and signed by David B. Perry, Agent for the Applicant, and Donald Plank, 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 on the applicant obtaining all applicable permits and Certificates of Occupancy for the proposed use.

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